

THE

# PUBLIC GENERAL STATUTES.

45 & 46 VICTORIÆ, 1882.

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STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH.

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LONDON: 27, CHANCERY LANE, W.C.

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1882.

# PUBLIC GENERAL STATUTES

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STATUTES IN FORCE FROM 1801 TO 1893

LONDON: ST. MARTIN'S LANE, 1893

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# THE PUBLIC GENERAL STATUTES, 1882.

45 & 46 VICTORIÆ.

[STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH.]

## CAP. I.

An Act to apply the sum of Three hundred and thirteen thousand two hundred and seventy pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two. [13th March 1882.]

## CAP. II.

An Act to authorise the use of Reply Post Cards. [13th March 1882.]

## CAP. III.

An Act to amend the Law relating to the use of Gunpowder in Slate Mines. [29th March 1882.]

Be it enacted, &c. :

1. *Title of Act.*] This Act may be cited as the Slate Mines (Gunpowder) Act, 1882.

2. *Power to exempt slate mines from certain regulations relating to the use of explosives.*] (1.) It shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, from time to time, on the application of the owner, agent, or manager of any slate mine, to exempt such mine from the general rule contained in sub-section two of section twenty-three of the Metalliferous Mines Regulation Act, 1872, with respect to the use of gunpowder or other explosive substances, or any portion of such rule.

35 & 36 Vict. c. 77.] (2.) The application shall be transmitted by the owner, agent, or manager to the inspector of the district, and the requirements of sections twenty-four and twenty-eight of the Metalliferous Mines Regulation Act, 1872, as to the posting of any proposed special rule shall extend to any such application: Provided that the exemption shall not come into force until granted by the Secretary of State.

(3.) The Secretary of State may at any time revoke such exemption, but such revocation shall not come into force until written or printed notice thereof has been posted up at the mine for twenty-four hours.

(4.) A list of the exemptions granted or revoked under this Act shall be set forth by the inspector of the district in his annual report.

## CAP. IV.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three. [29th March 1882.]

## CAP. V.

An Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Duke of Albany and Her Serene Highness Princess Helen Frederica Augusta of Waldeck and Pyrmont, and to settle an Annuity on Her Serene Highness. [21st April 1882.]

## CAP. VI.

An Act to amend the Law in regard to Householders under the General Police and Improvement Acts in Scotland. [28th April 1882.]

## CAP. VII.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [28th April 1882.]

## CAP. VIII.

An Act to apply the sum of nine million two hundred and eighty-two thousand four hundred and thirty-five pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three. [19th May 1882.]

## CAP. IX.

An Act to amend the Documentary Evidence Act, 1868, and other enactments relating to the evidence of documents by means of copies printed by the Government Printers. [19th June 1882.]

Whereas by the Documentary Evidence Act, 1868, and enactments applying that Act, divers proclamations, orders, regulations, rules, and other documents may be proved by the production of copies thereof purporting to be printed by the Government Printer, and the Government Printer is thereby defined to mean and include the Printer to Her Majesty:

And whereas divers other enactments provide that copies of Acts of Parliament, regulations, warrants, circulars, gazettes, and other documents shall be admissible in evidence if purporting to be printed by the Government Printer, or the Queen's Printer, or a printer authorised by Her Majesty, or otherwise under the authority of Her Majesty:

And whereas it is expedient to make further provision respecting the printing of the copies aforesaid:

Be it therefore enacted, &c. :

1. *Short title.*] This Act may be cited as the Documentary Evidence Act, 1882.

2. *Documents printed under superintendence of Stationery Office receivable in evidence.*] Where any enactment, whether passed before or after the passing of this Act, provides that a copy of any Act of Parliament, proclamation, order, regulation, rule, warrant, circular, list, gazette, or document shall be conclusive evidence, or be evidence, or have any other effect, when purporting to be printed by the Government Printer, or the Queen's Printer, or a printer authorised by Her Majesty, or otherwise under Her Majesty's authority, whatever may be the precise expression used, such copy shall also be conclusive evidence, or evidence, or have the said effect (as the case may be) if it purports to be printed under the superintendence or authority of Her Majesty's Stationery Office.

3. *Penalty for forgery.*] If any person prints any copy of any Act, proclamation, order, regulation,

royal warrant, circular, list, gazette, or document which falsely purports to have been printed under the superintendence or authority of Her Majesty's Stationery Office, or tenders in evidence any copy which falsely purports to have been printed as aforesaid, knowing that the same was not so printed, he shall be guilty of felony, and shall, on conviction, be liable to penal servitude for a term not exceeding seven years, or to be imprisoned for a term not exceeding two years, with or without hard labour.

4. *Application of Act to Ireland.*] The Documentary Evidence Act, 1868, as amended by this Act, shall apply to proclamations, orders, and regulations issued by the Lord Lieutenant or other chief governor or governors of Ireland, either alone or acting with the advice of the Privy Council in Ireland, as fully as it applies to proclamations, orders, and regulations issued by Her Majesty.

In the same Act, the term "the Privy Council" shall include the Privy Council in Ireland, or any committee thereof.

In the same Act, and in this Act, the term "the Government Printer" shall include any printer to Her Majesty in Ireland and any printer printing in Ireland under the superintendence or authority of Her Majesty's Stationery Office.

## CAP. X.

An Act for making provision for facilitating the Manœuvres of Troops to be assembled during the present Summer. [19th June 1882.]

## CAP. XI.

An Act to amend the Public Health (Scotland) Act, 1867. [19th June 1882.]

## CAP. XII.

An Act to amend the Law relating to the application of moneys arising from the sale of Militia Storehouses. [19th June 1882.]

## CAP. XIII.

An Act for the Improvement of Arklow Harbour. 19th June 1882.

## CAP. XIV.

An Act to confer further powers upon the Metropolitan Board of Works with respect to Streets and Buildings in the Metropolis. [19th June 1882.]

Whereas it is expedient to provide for the better management of the metropolis by conferring further powers upon the Metropolitan Board of Works (in this Act referred to as "the Board") with respect to the management of existing streets and the formation of new streets, and the regulation of buildings and structures in the metropolis:

And whereas for the purposes aforesaid it is expedient to amend the Metropolis Management Act, 1855, the Metropolitan Building Act, 1855, and the Acts amending the same respectively:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:



Be it enacted, &c.:

## PART I.

1. *Short title.*] This Act may be cited for all purposes as the Metropolis Management and Building Acts (Amendment) Act, 1882.

2. *Limit of Act.*] This Act shall extend and apply to the metropolis as defined by the Metropolis Management Act, 1855.

3. *Division of Act into four parts.*] This Act shall consist of four parts.

## PART II.

4. *Metropolis Management Acts and Part II. of Act to be construed as one Act.*] The Metropolis Management Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act.

5. *Power to Board to name and number streets in default of vestries, &c., in complying with order of Board—25 & 26 Vict. c. 102.*] Whenever the Board have transmitted a copy of any order made by them in pursuance of the provisions of the eighty-seventh section of the Metropolis Management Amendment Act, 1862, to any vestry or district board, or to the Commissioners of Sewers of the City of London, and such vestry or district board or commissioners have for the space of three calendar months after the receipt of such order failed to perform all or any of the necessary acts or to take all or any of the requisite proceedings for carrying such order into execution, then and in every such case the Board may perform all or any of such necessary acts or take all or any of such necessary proceedings which such vestry or district board or commissioners have failed to perform or take, and for such purpose, and generally for giving effect to the provisions of the said section, as amended by this section, the Board shall have and may exercise all the rights, powers, authorities, and jurisdiction by the said section conferred upon vestries, district boards, and the said commissioners respectively, including the recovery of expenses from owners of houses and buildings, and the said section shall be construed accordingly.

6. *Preventing obstructions of streets.*] In case any person not being lawfully authorised knowingly erects or places, or causes to be erected or placed, any post, rail, fence, bar, obstruction, or encroachment whatsoever in, upon, over, or under any street, or alters or interferes with any street in such a manner as to impede or hinder the traffic for which such street was formed or laid out from passing over the same, he shall (in addition to any other proceeding to which he may be liable therefor) be liable to a penalty not exceeding ten pounds for every such offence, and to a further penalty not exceeding forty shillings for every day on which such offence is continued after the day on which he shall have received notice in writing from the Board to remove such post, rail, fence, bar, obstruction, or encroachment, and to reinstate or restore such street to its former condition; and the Board may, at the expiration of two days after giving such notice as aforesaid, demolish or remove any such post, rail, fence, bar, obstruction, or encroachment, and reinstate or restore such street to its former condition; and recover the expenses thereof in like manner as if the same were a penalty imposed by this part of this Act.

7. *Provisions as to new streets.*] Where after the passing of this Act it is intended by any person to form or lay out any road, passage, or way for building as a street for the purposes of carriage traffic or of foot traffic only, in such manner that such road, passage, or way will not afford direct communication between two streets, such person shall, at least three months before such road, passage, or way is begun to be so formed or laid out, make an application to the Board giving notice of such intention, and setting out a plan of the proposed street, with such particulars in relation thereto as may be required by the Board, and if it appears to the Board that it is expedient that such road, passage, or way should not be formed or laid out in manner aforesaid, or that such road, passage, or way should be formed or laid out in manner aforesaid subject to any conditions which the Board may prescribe, the Board may, by order made at any time before the expiration of the said period of three months, decline to sanction the formation or laying out of such road, passage, or way in manner aforesaid, or may sanction the formation or laying

out of such road, passage, or way in manner aforesaid subject to such conditions as they may prescribe, and thereupon, and until the Board shall otherwise direct, such road, passage, or way shall not be formed or laid out for building as a street in manner aforesaid where the Board have declined their sanction, or shall not be formed or laid out for building as a street in manner aforesaid except in accordance with the conditions prescribed, where the Board have given their sanction subject to such conditions.

Any person forming or laying out, or commencing to form or lay out, or keeping open any road, passage, or way so formed or laid out in manner aforesaid contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day on which the offence is continued after the day on which the first penalty is incurred.

Provided always, that in case the said person so intending to form or lay out any road, passage, or way as aforesaid, considers that any of the conditions prescribed by the Board are unreasonable, then the said person so objecting to the said conditions may appeal to the police magistrate for the district in which the said road, passage, or way is situate, and his decision shall be final upon the question.

8. *Provisions restricting in certain cases the laying out of streets for foot traffic only.*] Where after the passing of this Act it is intended by any person to form or lay out any road, passage, or way for building as a street for foot traffic only, such person shall, at least three months before such road, passage, or way is begun to be so formed or laid out, make an application to the Board giving notice of such intention, and setting out a plan of the proposed street, with such particulars in relation thereto as may be required by the Board, and if it appears to the Board that it is expedient that such road, passage, or way should not be formed or laid out for foot traffic only, or that such road, passage, or way should be formed or laid out for foot traffic only subject to any conditions which the Board may prescribe, the Board may, by order made at any time before the expiration of the said period of three months, decline to sanction the forming or laying out of the same for foot traffic only, or may sanction the formation or laying out of such road, passage, or way for foot traffic only subject to such conditions as they may think proper to prescribe, and thereupon, and until the Board shall otherwise direct, such road, passage, or way shall not be formed or laid out for building as a street for foot traffic only where the Board have declined their sanction, or shall not be formed or laid out for building as a street for foot traffic only, except in accordance with the conditions prescribed, where the Board have given their sanction subject to such conditions.

Any person forming or laying out, or commencing to form or lay out, or keeping open any such road, passage, or way for foot traffic only contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day on which such offence is continued after the day on which the first penalty is incurred.

Provided always, that in case the said person so intending to form or lay out any road, passage, or way as aforesaid considers that any of the conditions prescribed by the Board are unreasonable, then the said person so objecting to the said conditions may appeal to the police magistrate for the district in which the said road, passage, or way is situate, and his decision shall be final upon the question.

9. *Board may annex and enforce conditions as to space to be left open where building is erected beyond the general or regular line of building.*] Where the Board consent, in writing, under section seventy-five of the Metropolis Management Amendment Act, 1862, to the erection by any person of a building or part of a building or erection in any street, place, or row of houses beyond the general or regular line of buildings in such street, place, or row of houses, the Board may annex to such consent, if they think fit, any conditions which they may think proper as to the amount of land in front of such building, part of a building, or erection which shall be dedicated to or left open for the use of the public; and where the Board have annexed to such consent to the erection of such building, part of a building, or erection any such condition, then and in every such case such condition shall within three months after the erection of such building, part

of a building, or erection be fulfilled, and if such person fails to fulfil such condition within such period as aforesaid he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day upon which such condition continues to be unfulfilled after the day on which the first penalty is incurred.

Provided always, that notwithstanding the imposition and recovery of any penalty under this section, the Board, at any time after default in the fulfilling of any such condition, may cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons requiring the owner or occupier of such building, part of a building, or erection, at a time and place to be stated in the summons, to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice shall make an order in writing on such owner or occupier directing the demolition of such building, part of a building, or erection, or so much thereof as may be beyond such general or regular line, within such time as such justice shall consider reasonable, and shall also make an order for the costs incurred up to the time of the hearing; and in default of the building, part of a building, or erection complained of being demolished within the time limited by such order, the Board may forthwith enter the premises to which the order relates and demolish the building, part of a building, or erection complained of, and do whatever may be necessary to execute such order, and may also remove the materials of which the same was composed to a convenient place and (unless the expenses of the Board be paid to them within fourteen days after such removal) sell the same as they think proper; and all expenses incurred by the Board in executing such order and in disposing of the said materials may be deducted by the Board out of the proceeds of such sale, and the balance, if any, shall be paid by the Board on demand to the person entitled thereto; and in case such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from such owner or occupier, together with all costs and expenses in respect thereof, in like manner as if the same were a penalty imposed by this part of this Act.

10. *Power to Board to exercise powers of vestries and district boards under s. 75 of 25 & 26 Vict. c. 102 with respect to buildings, &c., erected beyond general line of buildings.*] The powers conferred by the seventy-fifth section of the Metropolis Management Amendment Act, 1862, upon the vestry of any parish and the board of works of any district with respect to any building or erection situate in such parish or district in case such building or erection has been erected, or begun to be erected or raised, beyond the general line of buildings in the street, place, or row of houses in which the same is situate, without the consent in writing of the Board, or contrary to the terms and conditions on which such consent may have been granted (including the powers for the recovery of expenses), shall extend and apply to and may be exercised by the Board in like manner as by such vestry or board of works.

## PART III.

11. *The Metropolitan Building Act and Part III. of Act to be construed as one Act.*] The Metropolitan Building Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act.

12. *Board may impose condition requiring removal of iron or other buildings of a temporary character within certain period.*] Whenever an application is made to the Board by any person stating his desire to erect in any place any iron or other building of a temporary character to which the rules of the Metropolitan Building Act, 1855, and the Acts amending the same, are inapplicable, the Board may, in case of their approval of the plan and particulars of such building, limit the period during which such building shall be allowed to remain in such place, and may make such approval subject to such conditions as they may think fit; and if at the expiration of the period limited by the Board during which such building is allowed to remain in such place such building is not removed in accordance with such conditions, the



Board may, by notice in writing, require the occupier or owner of such building to remove such building within a reasonable time, to be specified in such notice, and in case such occupier or owner fails to comply with the requirements of such notice within such time as aforesaid, he shall be liable to a penalty not exceeding five pounds for such default, and to a further penalty not exceeding forty shillings for every day on which such default continues after the day on which the first penalty is incurred.

Provided always, that notwithstanding the imposition and recovery of any penalty, the Board may, at any time after default in complying with the requirements of such notice, if they think proper, cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons requiring such occupier or owner to appear, at a time and place to be stated in the summons, to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice may make an order, in writing, authorising the Board to enter upon the land upon which such building is situated, and to remove or take down the same, and do whatever may be necessary for such purpose, and also to remove the materials of which the same is composed to a convenient place and (unless the expenses of the Board be paid to them within fourteen days after such removal) sell the same as they think proper; and all expenses incurred in respect of any such order, and of entering and removing or taking down any such building, and in disposing of the said materials may be deducted by the Board out of the proceeds of such sale, and the balance (if any) shall be paid by the Board on demand to the person entitled thereto; and in case such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from the occupier or owner of such building, together with all costs and expenses in respect thereof, in like manner as if the same were a penalty imposed by this part of this Act.

13. *Temporary or movable wooden structures or erections not to be erected without license of Board.* It shall not be lawful for any person to erect or set up in any place any wooden structure or erection of a movable or temporary character (unless the same be exempt from the operation of the first part of the Metropolitan Building Act, 1855,) without a license in writing first had and obtained from the Board for the erection or setting up of such structure or erection in such place, and every such license may contain such conditions with respect to such structure or erection and the time for which it is to be permitted to continue in such place as the Board may think expedient, and if any person erects or sets up any such structure or erection in any place without having had and obtained such license to erect or set up the same in such place, or makes default in observing any of the conditions contained in such license, or is guilty of any breach of such conditions, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day on which any such structure or erection continues erected or set up, without such license being had and obtained, or upon which such default or breach continues after the day on which the first penalty is incurred.

Provided always, that a license shall not be required in the case of any wooden structure or erection of a movable or temporary character erected by a builder for use during the construction, alteration, or repair of any building, unless the same is not taken down or removed immediately after such construction, alteration, or repair.

14. *As to open spaces to dwellings.* Every new building begun to be erected upon a site not previously occupied in whole or in part by a building, after the passing of this Act, intended to be used wholly or in part as a dwelling-house shall, unless the Board otherwise permit, have directly attached thereto and in the rear thereof an open space exclusively belonging thereto of the following extent:

Where such building has a frontage not exceeding 15 feet the extent of the open space shall be 150 square feet at the least;

Where such building has a frontage exceeding 15 feet, but not exceeding 30 feet, the extent of the open space shall be 200 square feet at the least;

Where such building has a frontage exceeding 30 feet, and not exceeding 50 feet, the extent of the open space shall be 300 square feet at the least; and

Where such building has a frontage exceeding 50 feet the extent of the open space shall be 450 square feet at the least.

Every such open space shall be free from any erection thereon above the level of the ceiling of the ground floor storey, and shall extend throughout the entire width (exclusive of party or external walls) of such building at the rear thereof.

The provisions of this enactment shall be in addition to and shall form part of the rules of the Metropolitan Building Act, 1855, and the said Act shall be construed accordingly.

15. *Conversion of houses, &c., into public buildings.* Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building within the meaning of the Metropolitan Building Act, 1855, and the Acts amending the same, such conversion or alteration, and the public building thereby formed, including the walls, roofs, floors, galleries, and staircases of the same, shall be carried into effect and constructed respectively in such a manner as may be approved by the district surveyor, or in the event of disagreement may be determined by the Board, and the provisions of the Metropolitan Building Act, 1855, and of the Acts amending the same, with respect or applicable to the construction of public buildings shall extend and apply to such alteration or conversion as though such alteration or conversion were the construction of a public building.

16. *Amendment of provisions of 18 & 19 Vict. c. 122, s. 21, with respect to hot water pipes.* From and after the passing of this Act the restrictions imposed by the twenty-first section of the Metropolitan Building Act, 1855, with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials shall not apply in the case of pipes for conveying hot water or steam at low pressure.

17. *Dilapidated and neglected buildings.* Where a building or structure is ruinous, or so far dilapidated as thereby to have become and to be unfit for use or occupation, or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood, the Board may make complaint thereof to a justice of the peace, who shall thereupon issue a summons requiring the owner and occupier of such building or structure, herein-after referred to as a "neglected structure," to appear, at a time and place to be stated in the summons, to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice may, if he sees good cause, order the owner or, on his default the occupier to take down or repair or rebuild the neglected structure or any part thereof, or to fence in the ground upon which the same stands, or any part thereof, or otherwise to put the same or any part thereof into a state of repair and good condition, to the satisfaction of the Board, within a reasonable time to be fixed by the order, and may also make an order for the costs incurred up to the time of the hearing.

If the order is not obeyed the Board may, with all convenient speed, enter upon the neglected structure or such ground as aforesaid and execute the order.

Where the order directs the taking down of a neglected structure or any part thereof, the Board, in executing the order, may remove the materials to a convenient place and (unless the expenses of the Board under this section in relation to such structure be paid to them within fourteen days after such removal) sell the same as they think fit.

All expenses incurred by the Board under this section in relation to a neglected structure may be deducted by the Board out of the proceeds of such sale, and the balance (if any) shall be paid by the Board on demand to the person entitled thereto, and in case such neglected structure or some part thereof is not taken down, and such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from the owner of such neglected structure, together with all costs and expenses in respect thereof, in like manner as if the

same were a penalty imposed by this Act, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

18. *Provisions for better securing payments to Board of expenses incurred by Board in respect of dangerous or neglected structures.* Where under the provisions of the Metropolitan Building Act, 1855, and the Acts amending the same, with respect to dangerous structures, or under the provisions of this Act with respect to neglected structures, the Board have incurred any expenses in respect of any dangerous structure or any neglected structure, and have not been paid or have not recovered the same, the Board may, after giving notice of their intention to do so, in manner herein-after mentioned, to the owner of such dangerous or neglected structure, apply to a justice of the peace, at the time and place named in such notice, for an order fixing the amount of such expenses and the costs of such application, and directing that no part of the land upon which such dangerous or neglected structure stands or stood shall be built upon, or that no part of such neglected structure, if repaired or rebuilt, shall be let for occupation until after payment to the Board of the amount of such expenses and costs as fixed by such order; and such justice, on proof of such expenses having been incurred by the Board, and after hearing the parties appearing before him, may make such order as aforesaid, and thereupon and until payment to the Board of the amount fixed by such order no part of such land shall be built upon, and no part of such neglected structure so repaired or rebuilt shall be let for occupation.

Every such order shall be signed in duplicate by such justice, and one of such orders shall be retained by the officer of the Court in which such justice made the same and the other of such orders shall be kept at the office of the Board.

The Board shall keep at their principal office a register of all such orders as may from time to time be made under the authority of this section, and shall keep the same open for inspection by all persons at all reasonable times, and any such order not entered in such register within ten days after the making of the same shall cease to be of any force or effect.

A notice of the intention to make an application for any such order may be printed or written, or partly printed and partly written.

19. *As to summonses and notices in the cases of dangerous and neglected structures.* Any summons or notice under this Act with respect to a dangerous or neglected structure shall be served or given in accordance with the provisions of section ninety-eight of the Metropolitan Building Act, 1855: Provided always, that where the owner of any such dangerous or neglected structure is not known to or cannot be found by the Board or their officers, any such summons or notice shall be deemed to be duly served or given if a copy of the same be posted in a conspicuous place on such dangerous structure or neglected structure, or on the land whereon it stands or stood, at least two months before the time named in such summons or notice for the hearing of such complaint or for the making of such application.

20. *Proceedings as to irregular buildings, &c.* Proceedings with respect to any irregular building or structure shall not be prejudiced or affected by the removal or falling in of the roof of such building or structure.

21. *Provisions as to settlement of differences between building and adjoining owners.* Where in any case not specially provided for by the Metropolitan Building Act, 1855, a difference has arisen between a building owner and an adjoining owner in respect of any matter arising under the said Act, and both parties have concurred in the appointment of one surveyor for the settlement of such difference in manner prescribed by section eighty-five of the Metropolitan Building Act, 1855, then and in every such case, if such surveyor refuses or for seven days neglects to act, or dies, or becomes incapable to act before he has made his award, the matters in dispute shall be determined, under the provisions of the said section, in the same manner as if such single surveyor had not been appointed.

When any such difference as aforesaid has arisen and each party has appointed a surveyor for the settlement of such difference in manner prescribed by

the said section, and a third surveyor has been selected, then and in every such case, if such third surveyor refuses or for seven days neglects to act, or before such difference is settled dies or becomes incapable to act, the two surveyors shall forthwith, after such refusal, neglect, death, or incapacity, select another third surveyor in his place, and every third surveyor so to be selected as aforesaid shall have the same powers and authorities as were vested in the third surveyor at the time of such his refusal, neglect, death, or incapacity as aforesaid.

When any such difference as aforesaid has arisen, and each party has appointed a surveyor for the settlement of such difference in manner prescribed by the said section, then, if the two surveyors so appointed refuse or for seven days after request of either party neglect to select a third surveyor or another third surveyor in the event of the refusal or neglect to act, death, or incapacity of the third surveyor for the time being, one of Her Majesty's Principal Secretaries of State may, on the application of either party, select some fit person to act as third surveyor, and every surveyor so selected as aforesaid shall have the same powers and authorities as if he had been selected as a third surveyor by the two surveyors so appointed by the parties.

When any such difference as aforesaid has arisen, and each party has appointed a surveyor for the settlement of such difference in manner prescribed by the said section, then and in every such case, if before such difference is settled any such surveyor so appointed as aforesaid by either party dies or becomes incapable to act, the party by whom such surveyor was appointed may appoint in writing some other surveyor to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other surveyor may proceed ex parte, and the decision of such remaining or other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred, and every surveyor so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former surveyor at the time of such his death or disability as aforesaid.

When any such difference as aforesaid has arisen, and each party has appointed a surveyor for the settlement of such difference in manner prescribed by the said section, then and in every such case, if either of the surveyors refuses or for seven days neglects to act, the other surveyor may proceed ex parte, and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred.

#### PART IV.

22. *Recovery of penalties—18 & 19 Vict. c. 120—18 & 19 Vict. c. 122.* Every penalty imposed by Part II. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Management Act, 1855, and the Acts amending the same; and every penalty imposed by Part III. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Building Act, 1855, and the Acts amending the same: Provided always, that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act, or of any bylaw made in pursuance of this Act, it shall be lawful to include in one summons all such penalties, and the charge for such summons shall not exceed two shillings.

23. *Exceptions from Metropolitan Management Acts extended to this Act—18 & 19 Vict. c. 120.* Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolitan Management Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all special exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

24. *Exceptions from Metropolitan Building Acts extended to this Act—18 & 19 Vict. c. 122.* Her

Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolitan Building Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all special exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

25. *Act not to apply to the Inner and Middle Temple, &c.]* Nothing in this Act shall apply to the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn, Staple Inn, Furnival's Inn, or the close of the collegiate church of Saint Peter, Westminster.

26. *Ss. 6, 7, 8, and 13 not to apply to City of London.]* The provisions of sections six, seven, eight, and thirteen of this Act shall not apply to the City of London and the liberties thereof.

27. *Expenses of Act.]* All the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Board.

#### CAP. XV.

An Act to provide for the better application of Moneys paid by way of Compensation for the compulsory acquisition of Common Lands and extinguishment of Rights of Common.

[19th June 1882.]

Whereas under the provisions of the Lands Clauses Consolidation Act, 1845, and of railway and other special Acts of Parliament, money is directed or authorised to be paid to a committee as compensation for the extinction of commonable rights or for lands, being common lands or in the nature thereof, the right to the soil of which belongs to the commoners:

And by the Lands Clauses Consolidation Act, 1845, and by the Inclosure Act, 1852, and the Inclosure Act, 1854, certain powers of apportioning and otherwise dealing with such money are conferred upon any such committee and upon the Inclosure Commissioners for England and Wales (hereinafter called the Commissioners), but such powers are found in practice to be insufficient, and money paid by way of compensation as aforesaid is often in consequence useless to the persons interested therein:

And whereas it is expedient to give such powers of dealing with such compensation money as are hereinafter specified, but such powers cannot be conferred without the sanction of Parliament:

Be it enacted, &c.:

1. *Short title.]* This Act may be cited as the Commonable Rights Compensation Act, 1882.

2. *Application of compensation money for common lands.]* (1.) With respect to any money which has been or hereafter may be paid by any railway or other public company or corporate body or otherwise under the provisions of the Lands Clauses Act and any Act incorporated therewith, or of any other Act of Parliament to a committee of commoners as compensation for the extinguishment of commonable or other rights or for lands being common lands or in the nature thereof the right to the soil of which may belong to the commoners, the committee (or a majority in number thereof) or, after the expiration of twelve months from the payment of such money to the committee, any three of the persons claiming to be interested in such money may make application in writing to the Commissioners to call a meeting of the persons interested in such money to consider the application thereof, and the Commissioners shall call a meeting accordingly, and at such meeting the majority in number and the majority in respect of interest of the persons present may decide by resolution that such money shall be applied and laid out in one or more of the following ways:

(a.) In the improvement of the remainder of the common land in respect of a portion of which such money has been paid;

(b.) In defraying the expense of any proceedings under the Metropolitan Commons Acts or under the Inclosure Acts, 1845 to 1878, with reference to a scheme for the local management, or a Provisional Order for the regulation, of such common land, or of any application to Parliament for a Private Bill or otherwise for the preservation and management of such common land as an open space;

(c.) In defraying the expense of any legal proceedings for the protection of such common land, or the commoners' rights over the same;

(d.) In the purchase of additional land to be used as common land;

(e.) In the purchase of land to be used as a recreation ground for the neighbourhood;

and any such resolution shall bind the minority and all absent parties, and the Commissioners shall make an order under their seal for the payment to them of any expenses incurred by them in relation to the matter, and (subject to such payment) for the application of the money according to such resolution, and the committee or the persons in whose names such money stands or is invested, or the survivors or survivor in account of such persons, or the legal personal representative of such survivor, shall, upon service of any such order of the Commissioners as aforesaid upon them or any of them or any person on their behalf as the Commissioners may direct, pay and apply the said money or realise any security in which the same is invested, and pay and apply the proceeds thereof in manner directed by the said order.

(2.) Any land so purchased as aforesaid for use as common land shall be conveyed to and vest in trustees upon trust for the persons interested, such trustees to be appointed, and such trusts, and the powers and duties of the trustees, and provisions for the appointment of new trustees from time to time to be declared and provided by an order under the seal of the Commissioners, pursuant to resolutions to be passed at a special meeting of the persons interested, convened by the said Commissioners by such majorities as aforesaid.

(3.) Every appointment of a new trustee or of new trustees, in pursuance of this Act, shall be subject to confirmation by the Commissioners under their seal, and upon such confirmation the land shall vest in the remaining and the newly appointed trustees without any conveyance.

(4.) The Commissioners shall publish such notice of any meeting held under this Act, and frame such rules and give such directions for the conduct of such meetings and the service of orders made by them under this Act as they may deem fit, and may, if they think fit, direct an assistant commissioner appointed by them to preside at any such meeting, and any such meeting may be adjourned from time to time.

(5.) Any land so purchased as aforesaid for use as recreation ground shall be conveyed to and vested in the local authority as specified in the schedule to this Act for the district within which such land is situate, and it shall be held and managed by such local authority, subject to and in accordance with the provisions relating to recreation grounds respectively contained in the Inclosure Acts, 1845 to 1878.

3. *Application of compensation money for recreation grounds and field gardens.]* Any moneys heretofore paid or hereafter to be paid by any railway or other public company or body corporate or otherwise under the provisions of the Lands Clauses Act, 1845, and any Act incorporated therewith, or of any other Act of Parliament, to any local authority as specified in the schedule to this Act, or to the churchwardens and overseers of a parish in respect of any recreation ground or allotment for field gardens taken under the powers of any such Act or Acts of Parliament shall be applied in manner provided by the Inclosure Acts, 1845 to 1878, as amended by the Commons Act, 1879, with respect to the surplus rents arising from recreation grounds and field gardens respectively.

4. *Provision for cases where money paid by way of compensation has already been applied in the manner authorised by this Act.]* In any case where money paid by way of compensation as aforesaid has, before the passing of this Act, been applied in any one or more of the ways authorised by this Act, a resolution may be passed, at any meeting of the persons interested, called by the Commissioners in manner provided by this Act, by such majorities as aforesaid approving of such application, and such application shall, upon the allowance of such resolution by the Commissioners under their seal, be deemed to have been lawfully made under the provisions of this Act; and the committee or other persons by whom such money has been so applied shall thereupon be discharged from all liability in respect of such money so applied. And the provisions in this Act contained with respect to the declaration of trusts, and the power and duties of trustees,



and the appointment of new trustees, from time to time, shall apply in every case in which such money has, before the passing of this Act, been laid out in the purchase of land.

5. *Deposit of orders.*] Copies of all orders made by the Commissioners under this Act shall be deposited and kept in like manner as copies of an award are by the Inclosure Act, 1845, directed to be deposited and kept.

6. *Exception of the New Forest.*] This Act shall not extend to the New Forest.

SCHEDULE.

Situation of Land.	Local Authority.
Within the Metropolis.	The Metropolitan Board of Works.
Not within the Metropolis, but within the district of an urban sanitary authority, as defined by the Public Health Act, 1875, or any Act amending the same.	The urban sanitary authority.
Elsewhere than within the Metropolis or the district of an urban sanitary authority as above defined.	The churchwardens and overseers of the parish.

CAP. XVI.

An Act to amend the Irish Reproductive Loan Fund Act, 1874. [19th June 1882.]

CAP. XVII.

An Act for the transfer of Property in Ireland held for the service of Her Majesty's Customs and of the Inland Revenue to the Commissioners of Public Works in Ireland; and for other purposes relating thereto. [3rd July 1882.]

CAP. XVIII.

An Act to regulate the procedure of School Boards in Scotland in the dismissal of Teachers. [3rd July 1882.]

CAP. XIX.

An Act to amend the Law relating to the interment of any person found *felo de se*. [3rd July 1882.]

Whereas it is expedient that the laws and usages relating to the interment of the remains of persons against whom a finding of *felo de se* shall be had should be further altered and amended:

Be it therefore enacted, &c.:

1. *Repeal of 4 Geo. 4, c. 52.*] The Act of the fourth year of George the Fourth, chapter fifty-two, intituled "An Act to alter and amend the law relating to the interment of the remains of any person found *felo de se*," shall be and the same is hereby repealed.

2. *Coroner to give directions for interment.*] From and after the passing of this Act it shall not be lawful for any coroner or other officer having authority to hold inquests to issue any warrant or other process directing the interment of the remains of persons against whom a finding of *felo de se* shall be had in any public highway, or with any stake being driven through the body of such person, but such coroner or other officer shall give directions for the interment of the remains of such person *felo de se* in the churchyard or other burial ground of the parish or place in which the remains of such person might by the laws or custom of England be interred if the verdict of *felo de se* had not been found against such person.

3. *Interment.*] The interment of any such person as, aforesaid may be made in any of the ways prescribed or authorised by the Burial Laws Amendment Act, 1880.

4. *Rites of Christian burial not to be performed on interment.*] Save as aforesaid, nothing herein contained shall authorise the performing of any of the

rites of Christian burial on the interment of the remains of any such person as aforesaid, or be taken to alter the laws or usages relating to the burial of such persons.

5. *Extent of Act.*] This Act shall extend to the Channel Islands, but shall not apply to Scotland or to Ireland.

6. *Short title.*] This Act may be cited as the Interments (*felo de se*) Act, 1882.

CAP. XX.

An Act to amend the Poor Rate Assessment and Collection Act, 1869. [3rd July 1882.]

Be it enacted, &c.:

1. *Short title.*] This Act shall be called the Poor Rate Assessment and Collection Act, 1869, Amendment Act, 1882.

2. *Interpretation.*] This Act and the Poor Rate Assessment and Collection Act, 1869, as amended, shall be read as one Act.

3. *Payment of rates by outgoing occupier to be proportionate to time of occupation.*] The provisions of the sixteenth section of the Poor Rate Assessment and Collection Act, 1869, so far as regards the payment of rates by an outgoing occupier, shall extend and apply to any outgoing occupier assessed in the rate, and such outgoing occupier shall only be liable to pay so much of the rate as shall be proportionate to the time of his occupation within the period for which the rate was made, notwithstanding he may not be succeeded in his occupation by an incoming tenant.

4. *Publication of rate where no parish church.*] In a parish in which there is no church or chapel of the parish, a poor rate, whether made before or after the passing of this Act, shall be deemed to have been duly published if, within fourteen days after the making of the rate, notice thereof has been given by affixing such notice in some public and conspicuous place or situation in the parish.

CAP. XXI.

An Act to amend the Places of Worship Sites Act, 1873. [12th July 1882.]

Whereas by the Places of Worship Sites Act, 1873, facilities are afforded for the conveyance of pieces of land not exceeding in quantity one acre for sites for places of religious worship and for burial places, but doubts have been entertained whether conveyances can be made under that Act by corporations and public bodies, and it is expedient to remove such doubts:

And whereas cases have arisen in which tenants for life are unable to make conveyances under the said Act by reason that the person next entitled to the manor or lands for a beneficial interest in fee simple or fee tail is unborn or unascertained; and it is expedient to grant increased facilities for making such conveyances:

Be it therefore enacted, &c.:

1. *Conveyance of lands by corporations and other public bodies.*] The Places of Worship Sites Act, 1873, shall be construed as extending to authorise any corporation, ecclesiastical or lay, whether sole or aggregate, and any officers, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, parochial, charitable, or other purposes or objects, to grant, convey, or enfranchise for the purposes of the Act such quantity of land as therein mentioned: Provided as follows:

(a.) An ecclesiastical corporation sole, being below the dignity of a Bishop, shall not make any such grant without the consent in writing of the Bishop of the diocese to whose jurisdiction he is subject:

(b.) A municipal corporation shall not make any such grant without the consent in writing of the Commissioners of Her Majesty's Treasury:

(c.) Parochial property shall not be so granted without the consent of a majority of the ratepayers and owners of property in the parish to which the property belongs, assembled at a meeting to be convened according to the mode pointed out in the Act of the session held in the fifth and sixth years of the reign of King William the Fourth, chapter 69, intituled "An Act to

facilitate the conveyance of workhouses and other property of parishes, and of incorporations or unions of parishes in England and Wales," and of the Local Government Board and of the guardians of the poor of the parish or of the union comprising the parish, testified by their being parties to the conveyance:

(d.) Property held on trust for charitable purposes shall not be so granted without the consent of the Charity Commissioners for England and Wales.

2. *Power for limited owner in case of unborn or unascertained remainderman to convey, &c.*] The said Act shall be construed as extending to authorise any person seised or entitled only for life or lives or to any manor or lands of freehold tenure to make such grant, conveyance, or enfranchisement as is mentioned in the said Act in cases where the person next entitled to the same for a beneficial interest in remainder in fee simple or fee tail is unborn or unascertained: Provided that no such grant, conveyance, or enfranchisement made by any such person seised only for a life or lives shall be valid unless the person seised or entitled for a beneficial interest for life or lives, or for an estate in fee simple or fee tail (as the case may be) in remainder immediately expectant on the estate of such unborn or unascertained person or to such manor or lands (if any, and if legally competent) shall be a party to and shall join in the same; and if there be no such person, or if such person be not legally competent, unless the trustees or trustee (if any) of such manor or lands during the suspense or contingency of the then immediate or expectant estate in fee simple or fee tail in such manor or lands shall in like manner concur.

3. *Short title.*] This Act may be cited as the Places of Worship Sites Amendment Act, 1882.

CAP. XXII.

An Act to make better provision for inquiries with regard to Boiler Explosions. [12th July 1882.]

Whereas special provision has been made by law for making inquiry into the causes and circumstances of boiler explosions on board ships and on railways, and it is expedient that like provision be made for making inquiries with respect to boiler explosions in other cases:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Boiler Explosions Act, 1882.

2. *Extent of Act.*] This Act shall extend to the whole of the United Kingdom.

3. *Interpretation of terms.*] In this Act the term "boiler" means any closed vessel used for generating steam, or for heating water, or for heating other liquids, or into which steam is admitted for heating, steaming, boiling, or other similar purposes.

The term "court of summary jurisdiction" means any justices of the peace, metropolitan police magistrate, stipendiary magistrate, sheriff, sheriff substitute, or other magistrate or officer, by whatever name called, who is capable of exercising jurisdiction in summary proceedings for the recovery of penalties.

4. *Application of Act.*] This Act shall not apply to any boiler used exclusively for domestic purposes, or to any boiler used in the service of Her Majesty, or to any boiler on board a steamship having a certificate from the Board of Trade, or to any boiler explosion into which an inquiry may be held under the provisions of the Coal Mines Regulation Act, 1875, and the Metalliferous Mines Regulation Act, 1875, or either of them.

4. *Notice of boiler explosion to be sent to the Board of Trade.*] (1.) On the occurrence of an explosion from any boiler to which this Act applies, notice thereof shall, within twenty-four hours thereafter, be sent to the Board of Trade by the owner or user, or by the person acting on behalf of the owner or user.

(2.) The notice shall state the precise locality as well as the day and hour of the explosion, the number of persons injured or killed, in addition to the purposes for which the boiler was used, and, generally, the part of the boiler that failed, and the extent of the failure, and such other particulars, if any, as the Board of Trade by notice inserted in the London Gazette may require, and shall be in the form printed in the schedule to this Act, or in such



other form as the Board of Trade may from time to time approve for the purpose.

(3.) If default is made in complying with the requirements of this section, the person in default shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

**6. Power for Board of Trade to direct inquiry as to boiler explosion.]** (1.) On receiving notice of a boiler explosion the Board of Trade may, if it thinks fit, appoint one or more competent and independent engineer or engineers, practically conversant with the manufacture and working of boilers, to make a preliminary inquiry with respect to the explosion, and the persons so appointed shall have the powers conferred on the court by sub-section (4) of this section. If it appears to the Board of Trade, either upon or without such preliminary inquiry, that a formal investigation of the causes and circumstances attending the explosion is expedient, the Board of Trade may direct a formal investigation to be held; and with respect to such investigation the following provisions shall have effect:

(2.) Formal investigations of boiler explosions shall be made at or near the place of such explosion by a court consisting of not less than two commissioners appointed by the Board of Trade, of whom one at least shall be a competent and practical engineer specially conversant with the manufacture and working of steam boilers, and one a competent lawyer. The court shall be presided over by one of the commissioners, the selection being made by the Board of Trade.

(3.) Any such formal investigation shall be held in open court, in such manner, and under such conditions, as the commissioners may think most effectual for ascertaining the causes and circumstances of the explosion, and for enabling them to make the report herein-after mentioned in this section.

(4.) The court shall have, for the purpose of its investigations, all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and shall in addition have the following powers; viz.,

- (a.) The court, or any one appointed by it, may enter and inspect any place or building, the entry or inspection whereof appears to the court requisite for the said purpose;
- (b.) It may by summons under its hand require the attendance of all such persons as it thinks fit to call before it, and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as it thinks fit to make;
- (c.) It may require and enforce the production of all books, papers, and documents which it considers important for the said purpose;
- (d.) It may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;
- (e.) Every person so summoned, not being the owner or user of the boiler, or in the service or employment of the owner or user, or in any way connected with the working or management of the boiler, shall be allowed by the Board of Trade such expenses as would be allowed to a witness attending on subpoena before a court of record, and in Scotland to a witness attending a criminal trial by jury in the sheriff court; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, and in Scotland to the auditor of the Court of Session, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses.

(5.) The court making a formal investigation with respect to any boiler explosion, shall present a full and clear report to the Board of Trade, stating the causes of the explosion, and all the circumstances attending the same, with the evidence, adding thereto any observations thereon, or on the evidence, or on any matters arising out of the investigation which they think right to make, and the Board of Trade shall cause every such report to be made public in such manner as it thinks fit. When no formal investigation is held, the report presented to the Board of Trade by the engineer making a preliminary inquiry with respect to a boiler explosion shall be made public in such manner as the Board of Trade thinks fit.

**7. As to costs and expenses of inquiry.]** The court may order the costs and expenses of a preliminary inquiry or formal investigation or any part thereof, including therein the remuneration of persons holding such inquiry or investigation, to be paid by any person summoned before it, or by the Board of Trade; and such order shall, on the application of any party entitled to the benefit of the same, be enforced by any court of summary jurisdiction as if such costs and expenses were a penalty imposed by such court.

The Board of Trade may, if they think fit, pay to the persons holding any inquiry or investigation under this Act such remuneration as they may with the consent of the Treasury appoint.

If and so far as not otherwise provided for, all costs and expenses incurred by the Board of Trade, including any remuneration paid under this section, and any costs and expenses ordered by the court to be paid by the Board of Trade, shall be paid out of moneys to be provided by Parliament.

**8. Recovery of fines.]** Any fine payable under this Act shall be recoverable in England in the manner provided by the Summary Jurisdiction Acts, in Scotland in the manner provided by the Summary Jurisdiction Acts, 1864 and 1881, and of any Act or Acts amending the same, and in Ireland within the police district of Dublin metropolis, in accordance with the provisions of the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district elsewhere in Ireland in accordance with the provisions of the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vict. c. 93), and any Act amending or affecting the same.

#### SCHEDULE.

REPORT OF EXPLOSION OF A STEAM BOILER to be sent to the BOARD OF TRADE within twenty-four hours after the occurrence of an EXPLOSION.

See Section 5.

1. Name of premises or works on which the boiler exploded.
  2. Address by the post.
  3. Day and hour of explosion.
  4. Number of persons killed.
  5. Number of persons injured.
  6. General description of the boiler.
  7. Purposes for which the boiler was used.
  8. Part of the boiler which failed, and the extent of failure generally.
  9. Pressure at which the boiler was worked.
  10. Name and address of any society or association by whom the boiler was last inspected or insured.
- Signature of person responsible for the accuracy of the particulars contained in, this form.

Address  
Date

#### CAP. XXIII.

An Act to extend the Public Health Act, 1875, to the making of Byelaws for Fruit Pickers.

[12th July 1882.]

Be it enacted, &c.:

**1. Short title and construction of Act.]** This Act may be cited as the Public Health (Fruit Pickers Lodgings) Act, 1882, and shall be construed as one with the Public Health Act, 1875.

**2. Power to make bye-laws for fruit pickers.]** Section three hundred and fourteen of the Public Health Act, 1875, which enables any local authority to make bye-laws for securing the decent lodging and accommodation of persons engaged in hop picking within the district of such authority, shall be deemed to extend to and authorise the making of bye-laws for securing the decent lodging and accommodation of persons engaged in the picking of fruit and vegetables.

#### CAP. XXIV.

An Act to amend the Petty Sessions (Ireland) Act, 1851.

[12th July 1882.]

#### CAP. XXV.

An Act for the prevention of Crime in Ireland.

[12th July 1882.]

#### CAP. XXVI.

An Act to amend the Law relating to the Election of Lords Temporal to serve in Parliament for Ireland.

[12th July 1882.]

#### CAP. XXVII.

An Act to extend certain Provisions of the Poor Rate Assessment and Collection Act, 1869, to the Highway Rate, and for other purposes.

[12th July 1882.]

Be it enacted, &c.:

**1. Short title.]** This Act may be cited as the Highway Rate Assessment and Expenditure Act, 1882.

**2. Extent of Act.]** This Act shall not extend to Scotland or to Ireland.

**3. Power to rate and compound with owners of small tenements.]** Where in any parish the vestry have, under section four of the Poor Rate Assessment and Collection Act, 1869, ordered or shall hereafter order that the owners of all rateable hereditaments to which section three of that Act extends shall be rated to the poor rate in respect of such hereditaments instead of the occupiers, such order shall be deemed to extend to and include the highway rate, and whilst such order is in force the respective owners of such hereditaments shall be rated and assessed instead of the occupiers thereof to the highway rates made after the passing of this Act for any highway parish which is co-extensive with such parish or with any part thereof, and to which otherwise such occupiers might by law be rated; subject nevertheless to the abatements or deductions and to the conditions specified in sections four and five of the said Act; and for the purposes of this section the term "overseers" in section four of the said Act shall be construed to mean "surveyor of highways or other person authorised by law to make and levy a highway rate."

The surveyor of highways, or other person authorised by law to make and levy a highway rate, shall have the same powers, remedies, and privileges for recovering the rates made under this Act upon owners, as the overseers of the poor have under the said Poor Rate Assessment and Collection Act, 1869, for the recovery of a poor rate, and when the overseers are required by law to levy the highway rate, and such rate applies to the whole parish, they may levy the same as part of the poor rate.

Section thirty of the Highway Act, 1835, relating to the composition for rates in certain cases under local Acts is hereby repealed.

**4. Valuation lists conclusive for highway rate.]** In every highway rate made after the passing of this Act the several hereditaments included therein and assessable to the poor rate shall be rated according to the annual rateable value thereof appearing in the valuation list for the time being in force in the parish which is co-extensive with or includes the highway parish to which the highway rate relates, and where any valuation list has been amended on objection pursuant to section one of the Union Assessment Committee Amendment Act, 1864, the assessment committee shall give notice of such amendment to the surveyor of highways or other person authorised to make and levy the highway rate, who shall thereupon alter the then current highway rate accordingly.

**5. Provision for balances of outgoing surveyors.]** If the rates levied by a surveyor of highways, together with any other sums received by him during his term of office, prove insufficient to meet the whole of the expenditure lawfully incurred by him, and such deficiency has not arisen from any neglect or default on his part, his successor in office may reimburse to him the amount of such deficiency.

**6. Power to maintain mile stones and to fence.]** The expenses incurred by a highway authority in maintaining, replacing, or setting up mile stones on any highway, and in fencing by posts and rails or otherwise a highway where such fencing is required for the protection of persons travelling thereon against danger, shall be a lawful charge upon the highway rate.

**7. Waywardens' rate accounts.]** The provisions of section nine of the Highways and Locomotive (Amendment) Act, 1878, as amended by the District Auditors Act, 1879, in relation to the audit of the accounts of

highway authorities and their officers shall extend to the accounts of a waywarden of any highway parish within a highway district with respect to the highway rates levied by him.

8. *Recovery and payment of certified balances.* Money, goods, or chattels certified by an auditor at a highway audit to be due from any person shall be recoverable by the like process and with the like powers as in the case of moneys, goods, or chattels certified at the audit of the poor rate accounts, and where an auditor shall take proceedings for the recovery of any moneys, goods, or chattels certified at a highway audit or shall lay any information for a penalty in consequence of the default of any officer or other person to attend any such audit or to produce the proper accounts or vouchers, or to make or sign the proper declaration before him, the costs incurred by the auditor, when not recovered from the defendant, shall, if the Local Government Board consent thereto, be paid to the auditor by the highway authority, and may be recovered from such authority in a summary manner.

The moneys certified at a highway audit shall, where there is a treasurer of the highway authority, be paid to such treasurer, and where there is no such officer to the highway authority for the time being; and the goods or chattels so certified shall be delivered over to the person authorised to receive the same.

9. *Provision as to excluded parts of parishes.* Where at the time of the passing of this Act part of a parish is excluded from an urban sanitary district, but such excluded part is for purposes connected with the repairs of highways and the payment of highway rates treated as forming part of the district, the owners and ratepayers of the excluded part may by resolution passed at a meeting to be convened and conducted in manner provided by Schedule Three of the Public Health Act, 1875, decide that such part shall be a highway parish, and if the resolution is approved by an order of the Local Government Board the excluded part shall from a date to be fixed by the said order be for all purposes connected with highways, surveyors of highways, and highway rates, considered and treated as a separate highway parish.

10. *Interpretation.* In this Act—

"Highway audit" means the audit of the accounts of a highway authority or their officers or of any waywarden;

"Highway authority" means as respects a highway district, the highway board, and as respects a highway parish not included in a highway district, the surveyor or surveyors or other officers performing similar duties;

"Highway rate" means a rate made for the repairs of the highways and includes any separate rate made to meet the orders or precepts of a highway authority;

"Parish" means a place for which a separate poor rate can be made;

"Highway parish" means a place separately maintaining its own highways, and, in a highway district, a place for which a waywarden may be elected or a separate highway rate be made.

### CAP. XXVIII.

An Act to apply the sum of five million seven hundred and three thousand eight hundred and ninety-one pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three.

[24th July 1882.]

### CAP. XXIX.

An Act to amend the Acts relating to the County Courts in Ireland, and to make better provision for Appeals under the said Acts.

[24th July 1882.]

### CAP. XXX.

An Act to amend the Baths and Wash Houses Acts.

[24th July 1882.]

Whereas it is desirable to give increased facilities to local authorities for providing baths and wash houses within easy and convenient reach:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as the Baths and Wash Houses Act, 1882, and shall be read as one with the Act of the ninth and tenth years of the reign of Her present Majesty, chapter seventy-four, in this Act called "the principal Act."

2. *Amendment of 9 & 10 Vict. c. 74, s. 37.* Section twenty-seven of the principal Act shall be amended by the addition of the words "or in the immediate neighbourhood of such borough or parish" to the words "in any such borough or parish" wherever such last-mentioned words occur in the said section.

3. *Amendment of 9 & 10 Vict. c. 74, s. 24.* The power conferred by section twenty-four of the principal Act to purchase or rent lands for the purposes of that Act shall extend to lands in the immediate neighbourhood of such borough or parish as is therein referred to.

### CAP. XXXI.

An Act to render Judgments obtained in certain Inferior Courts in England, Scotland, and Ireland respectively, effectual in any other part of the United Kingdom.

[24th July 1882.]

Whereas it is expedient to extend the principle of the Judgments Extension Act, 1868, to the judgments of certain inferior courts of Great Britain and Ireland:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as the Inferior Courts Judgments Extension Act, 1882.

2. *Interpretation of terms.* In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say.)

The expression "judgment" shall include decree, civil bill decree, dismise, or order:

The expression "inferior courts" shall include County Courts, Civil Bill Courts, and all Courts in England and Ireland having jurisdiction to hear and determine civil causes, other than the High Courts of Justice; and in Ireland, Courts of Petty Sessions and the Court of Bankruptcy; and in Scotland shall include the Sheriff's Courts and the Courts held under the Small Debts and Debts Recovery Acts:

The expression "registrar of an inferior court" shall include the sheriff clerk of a Sheriff's Court in Scotland, and any officer fulfilling the duties of a registrar in an inferior court in England; and in Ireland shall include the clerk of the peace or other officer whose duty it is to enter the judgment, decree, or order of the court:

"Prescribed" means prescribed by rules made under the provisions of this Act:

The expression "person" shall include any party or parties to a cause in any inferior court in England, Scotland, or Ireland:

The expression "plaintiff" shall include pursuer, complainer, or any person at whose instance any action or proceeding in an inferior court is instituted; and the expression "defendant" shall include defender, respondent, or other person against whom any such action or proceeding is directed:

The expression "action" shall mean the action or other proceeding in which any judgment was pronounced; and the expression "summons" shall mean the summons or other initial writ in such action.

3. *Registrar of Inferior Court to grant certificate of judgment.* Where judgment shall hereafter be obtained or entered up in any of the inferior courts of England, Scotland, or Ireland respectively for any debt, damages, or costs, the registrar of such inferior court or other proper officer shall after the time for appealing against such judgment shall have elapsed, and in the event of such judgment not being reversed upon appeal or of execution thereunder not being stayed, upon the application of the party who has recovered such judgment, and upon proof that

the same has not been satisfied, and payment of the prescribed fee, grant a certificate in the form in the schedule to this Act annexed.

4. *Registration of certificate shall have the effect of a judgment of the court in which it is registered.* On the production to the registrar or other proper officer of a county court, or, in the City of London, of the City of London Court, in England where a judgment has been obtained in Scotland or Ireland, or to the registrar or other proper officer of a Sheriff's Court in Scotland where a judgment has been obtained in England or Ireland, or to the registrar or other proper officer of a Civil Bill Court in Ireland where a judgment has been obtained in England or Scotland of a certificate under this Act purporting to be signed by the registrar or other proper officer of the inferior court where such judgment was obtained, such certificate shall, on payment of the prescribed fee, be registered in the prescribed form by such registrar or other proper officer to whom the same shall be produced for that purpose; and all reasonable costs and charges attendant upon the obtaining and registering such certificate shall be added to and recovered in like manner as if the same were part of the original judgment. No certificate of any such judgment shall be registered as aforesaid in any inferior court in the United Kingdom more than twelve months after the date of such judgment.

5. *Execution of judgments.* Where a certificate of a judgment of any of the inferior courts aforesaid has been registered under this Act, process of execution may issue thereon out of the court in which the same shall have been so registered against any goods or chattels of the person against whom such judgment shall have been obtained, which are within the jurisdiction of such last-mentioned Court, in the same or the like manner as if the judgment to be executed had been obtained in the Court in which such certificate shall be so registered as aforesaid.

6. *Jurisdiction over registered judgments finished to execution.* The courts of Great Britain and Ireland to which this Act applies shall, in so far as relates to execution under this Act, have and exercise the same control and jurisdiction over and with respect to the execution of any judgment, a certificate of which shall be registered under this Act, as they now have and exercise over and with respect to the execution of any judgment in their own courts.

7. *Cancellation of registry.* On proof of the setting aside, or satisfaction, of any judgment of which a certificate shall have been registered under this Act, the Court in which such certificate is so registered may order the registration thereof to be cancelled.

8. *Costs not to be allowed in action on judgments unless by order of Court.* In any action brought in any of the inferior courts aforesaid for the purpose of enforcing any judgment which might be registered under this Act in the country in which such action is brought, the party bringing such action shall not recover or be entitled to any costs or expenses, unless the Court in which such action shall be brought shall otherwise order.

9. *Existing limits of local jurisdiction shall not be exceeded.* Nothing contained in this Act shall authorise the registration in an inferior court of the certificate of any judgment for a greater amount than might have been recovered if the action or proceeding had been originally commenced in such inferior court.

Provided that where a judgment obtained in an inferior court in Scotland cannot be registered in an inferior court in England or Ireland, by reason of its being for a greater amount than might have been recovered if the action or proceeding had been originally commenced in such inferior court, it shall be competent to register a certificate of such judgment in the register directed to be kept in the Court of Common Pleas at Westminster and Dublin respectively, to be called "The Register of Scotch Judgments," by section three of the Judgments Extension Act, 1868, in the same manner, to the same effect, and subject to the same provisions, as if the said certificate had been a certificate of an extracted decree of the Court of Session, registered in the said register under the said Act.

10. *Act not to apply in certain cases.* This Act shall not apply to any judgment pronounced by any inferior court in England against any person domiciled



in Scotland or Ireland at the time of the commencement of any action, unless the whole cause of action shall have arisen, or the obligation to which the judgment relates ought to have been fulfilled, within the district of such inferior court, and the summons was served upon the defendant personally within the said district, nor to any judgment pronounced by any inferior court in Scotland against any person domiciled in England or Ireland at the time of the commencement of any action, unless the whole cause of action shall have arisen, or the obligation to which the judgment relates ought to have been fulfilled, within the district of such inferior court, and the summons was served upon the defendant personally within the said district, nor to any judgment pronounced by any inferior court in Ireland against any person domiciled in England or Scotland at the time of the commencement of any action, unless the whole cause of action shall have arisen, or the obligation to which the judgment relates ought to have been fulfilled, within the district of such inferior court, and the summons was served upon the defendant personally within the said district.

Provided that it shall be competent to any person against whom any judgment to which this Act does not apply, as aforesaid, is sought to be enforced by registration in the register of an inferior court in England or Ireland, to apply for and obtain from one of the superior courts of England or Ireland a prohibition or injunction against the enforcement of such judgment, and of any execution thereupon; and that it shall be competent to any person against whom any judgment to which this Act does not apply, as aforesaid, is sought to be enforced by registration in the register of an inferior court in Scotland, to apply for and obtain from the Bill Chamber or Court of Session in Scotland suspension or suspension and interdict of or against the enforcement of such judgment and any diligence thereon, and in any such proceeding as aforesaid the unsuccessful party may be found liable in costs.

**11. Rules.]** Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules and regulations may be respectively made under and for the purposes of the County Courts Acts in England; of the Sheriffs Courts Acts in Scotland, and of the Civil Bill Courts Acts in Ireland; provided that the said rules and regulations shall not extend the jurisdiction of any inferior court.

#### SCHEDULE.

**CERTIFICATE issued in terms of the Inferior Courts Judgments Extension Act, 1882.**

I, \_\_\_\_\_, certify that [here state name, business, or occupation, and address of person obtaining judgment, and whether Plaintiff or Defendant] on the \_\_\_\_\_ day of \_\_\_\_\_ 18, obtained judgment against [here state name, business, or occupation and address of person against whom judgment was obtained, and whether Plaintiff or Defendant] in the Court of \_\_\_\_\_ for payment of the sum of \_\_\_\_\_ on account of [here state shortly the nature of the claim with the amount of costs (if any) for which judgment was obtained.]

[To be signed by the Registrar or other proper Officer of the Inferior Court from which the certificate issues, and to be sealed with the Seal of the Court.]

**NOTE OF PRESENTATION** to be appended to above Form.

The above certificate is presented by me for registration in the \_\_\_\_\_ Court of \_\_\_\_\_, in accordance with the provisions of the Inferior Courts Judgments Extension Act, 1882.

[Signature and address of Solicitor, Law Agent, or Creditor presenting for Registration]

#### CAP. XXXII.

An Act for the acquisition of Property and the provision of new Buildings for the Admiralty and War Office. [24th July 1882.]

#### CAP. XXXIII.

An Act further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes. [10th August 1882.]

#### CAP. XXXIV.

An Act to amend "The Beer Dealers' Retail Licences Act, 1880." [10th August 1882.]

Whereas by the Beer Dealers' Retail Licences Act, 1880, it is provided that the licensing justices shall be at liberty to exercise their discretion respecting the grant of certificates for such additional licences for sale of beer by retail off the premises as are therein referred to, and that certificates for such additional licences shall be granted at general annual licensing meetings, and not at any other time:

And whereas it is expedient to extend the provisions of the said Act to the granting of certificates for all licences for sale of beer by retail for consumption off the premises:

Be it therefore enacted, &c.:

**1. Extension of discretion as to licences for consumption of beer off the premises.]** Notwithstanding anything in section eight of the Wine and Beerhouse Act, 1869, or in any other Act now in force, the licensing justices shall be at liberty, in their free and unqualified discretion, either to refuse a certificate for any licence for sale of beer by retail to be consumed off the premises on any grounds appearing to them sufficient, or to grant the same to such persons as they in the execution of their statutory powers and in the exercise of their discretion deem fit and proper.

**2. Certificates at annual licensing meetings only.]** Certificates for any such licences as aforesaid shall, notwithstanding anything in any Act now in force, be granted at general annual licensing meetings, and not at any other time.

**3. Short title; extent; and construction of Act.]** This Act may be cited as the Beer Dealers' Retail Licences (Amendment) Act, 1882; and shall not extend to Scotland; and words therein have the same meaning as in the Licensing Act, 1872.

#### CAP. XXXV.

An Act to amend so much of "The Friendly Societies Act, 1875," as relates to quinquennial returns of sickness and mortality. [10th August 1882.]

Whereas by section fourteen of the Friendly Societies Act, 1875, every registered society is required, within six months after the expiration of every five years, to send to the registrar a return to be called the quinquennial return of the sickness and mortality experienced by the societies during the said five years, and an abstract of such return is to be laid before Parliament:

And whereas the returns sent in pursuance of the said section have furnished materials for the construction of tables of sickness and mortality for the guidance of friendly societies, and it is inexpedient to impose any longer on friendly societies the burden of sending the said returns:

And whereas it is expedient to repeal the said requirement:

Be it therefore enacted, &c.:

**1. Short title.]** This Act may be cited as the Friendly Societies (Quinquennial Returns) Act, 1882.

**2. Repeal of 38 & 39 Vict. c. 60, s. 14, so far as relates to the quinquennial return.]** So much of section fourteen of the Friendly Societies Act, 1875, and of Schedule Two to that Act, as relates to sending to the registrar every five years a return to be called a quinquennial return of the sickness and mortality experienced by the society, or as relates to such return, is hereby repealed.

#### CAP. XXXVI.

An Act to amend the Pauper Inmates Discharge and Regulation Act, 1871. [10th August 1882.]

Be it enacted, &c.:

**1. Short title and construction.]** This Act may be cited as the Casual Poor Act, 1882, and shall be construed as one with the Pauper Inmates Discharge and Regulation Act, 1871.

**2. Commencement of Act.]** This Act shall commence and come into operation from and immediately after the last day of December one thousand eight hundred and eighty-two.

**3. Extent of Act.]** This Act shall not extend to Scotland or Ireland.

**4. Discharge of paupers.]** Section five of the Pauper Inmates Discharge and Regulation Act, 1871, is hereby repealed, and in lieu thereof it is hereby enacted as follows:

A casual pauper shall not be entitled to discharge himself from a casual ward before nine o'clock in the morning of the second day following his admission, nor before he has performed the work prescribed for him as in the said Act mentioned; and where a casual pauper has been admitted on more than one occasion during one month into any casual ward of the same union, he shall not be entitled to discharge himself before nine o'clock in the morning of the fourth day after his admission, and he may at any time during that interval be removed by any officer of the guardians, or by a police constable, to the workhouse of the union, and be required to remain in such workhouse for the remainder of the period of his detention.

Provided that in computing the number of days during which a casual pauper may be detained under this section Sunday shall not be included.

Provided also, with respect to the metropolis, as follows:

(1.) In determining the number of admissions of a casual pauper every casual ward in the metropolis shall be deemed to be a casual ward of the same union.

(2.) The expressions "workhouse of the union" in this section shall include any workhouse and any asylum provided under the Metropolitan Poor Act, 1867, for the reception and setting to work of the casual poor, to which the casual poor of the union can be sent.

**5. Penalty for obtaining poor relief by false statement.]** (1.) If any person for the purpose of obtaining relief from the rates raised for the relief of the poor, for himself or for any other person, wilfully gives a false name, or makes or uses a false statement to the guardians of any union or any of their officers, he shall be deemed an idle and disorderly person within the meaning of section three of the Act of the fifth year of King George the Fourth, chapter eighty-three, "for the punishment of idle and disorderly persons, and rogues and vagabonds, in that part of Great Britain called England."

#### CAP. XXXVII.

An Act to amend the Law respecting the obtaining of Corn Returns. [10th August 1882.]

Be it enacted, &c.:

**1. Short title.]** This Act may be cited as the Corn Returns Act, 1882.

**2. Extent of Act.]** This Act shall not extend to Scotland or Ireland.

**3. Commencement of Act.]** This Act shall come into operation on the first day of January one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act.

**4. Return from towns of purchases of British corn and publication of average price—See 5 & 6 Vict. c. 14, s. 19, and Schedule—27 & 28 Vict. c. 87.]** Weekly returns of the purchases of British corn shall be made, under the direction of the Board of Trade, in manner provided by this Act from such towns, not less than one hundred and fifty and not more than two hundred in number, as may be from time to time fixed by Her Majesty in Council, and the average price of British corn shall be from time to time ascertained from those returns, and published by the Board of Trade in manner provided by this Act.

**5. Weekly returns of purchases of British corn.]** Every such buyer of corn as is herein-after mentioned in any town from which corn returns are for the time being required by this Act to be made, shall, weekly, on the last market day in the week in that town, or on such other day as may be from time to time fixed by Her Majesty in Council, make to the inspector of corn returns for that town, at the place fixed, as in this Act mentioned, a return in writing signed by him, specifying, with respect to the seven days ending on and including the day on which the return is made, the amount of every parcel of each sort of British corn bought by him in the town, whether from the producer or otherwise, and the price thereof, and the weight or measure by which the same was bought,



the name of the seller, and if the same was sold or bought on account of any other person the name of that person, and if an inspector of corn returns delivers to a buyer of corn required under this Act to make returns a notice in writing requiring him to declare where and by whom and in what manner any British corn was delivered to him, such buyer shall make a return of the particulars so required in a separate statement in writing signed by him.

6. *Buyers of corn bound to make returns of purchases of corn—*See 5 & 6 Vict. c. 14, ss. 17, 18, 23, 25.] The following persons shall make the returns required by this Act, and are in this Act referred to as buyers of corn in a town; that is to say,

- (1.) Every person who deals in British corn in such town; also
- (2.) Every person who in any such town engages in or carries on the trade of a cornfactor, miller, maltster, brewer, or distiller; also
- (3.) Every person who is the owner or part owner of any carriages carrying goods or passengers for hire to and from or within any such town; also
- (4.) Every person who as a merchant, clerk, agent, or otherwise purchases in any such town any British corn for sale, or for the sale of meal, flour, malt, or bread made or to be made thereof.

7. *Weekly summary of quantities and prices by inspectors to the Board of Trade.* Every inspector of corn returns shall record in the prescribed manner the returns made to him under this Act in any town, and in every week shall ascertain from those returns the total quantity with the total and average price of each sort of British corn returned to him in that town during that week, and shall on the next Monday, or such other day as may be prescribed, send to the Board of Trade in the prescribed manner and form a summary of such total quantities and total and average prices for the said week.

A copy of the weekly summary from any town shall, together with the prescribed details (exclusive of the names of persons), be made public there in the prescribed manner.

8. *Computing of corn according to the bushel—*41 & 42 Vict. c. 49.] In the weekly summary of quantities and prices each sort of British corn shall be computed with reference to the imperial bushel. An inspector of corn returns shall convert into such imperial bushel all returns made to him in any other measure or by weight or by a weighed measure, and in the case of weight or weighed measure shall convert the same at the rate of sixty imperial pounds for every bushel of wheat, fifty imperial pounds for every bushel of barley, and thirty-nine imperial pounds for every bushel of oats.

9. *Computation and publication of averages by Board of Trade.* The Board of Trade shall cause the average prices of each sort of British corn to be computed from the summaries sent by the inspectors of corn returns in pursuance of this Act as follows:

- (1.) In each week the average price during the next preceding week of each sort of British corn for the whole of the towns and for each town from which a summary is obtained, shall be computed, and shall be published in the London Gazette;
- (2.) After each of the quarter-days, the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September, and the twenty-fifth day of December, the average price of each sort of British corn during the quarter ending on that quarter day shall be forthwith computed and published in the London Gazette;
- (3.) After the twenty-fifth day of December in every year the average price of each sort of British corn shall be computed for the year, and the seven years ending on that day, and shall be published in the London Gazette in the month of January next following;
- (4.) The average price of any sort of British corn for any week shall be ascertained by adding together the total quantities of that sort of British corn appearing from the summaries of the inspectors of corn returns to have been bought during such week, and the total prices for those quantities as appearing from the said summaries, and by dividing the total prices

by the total quantities as so ascertained. The quarterly or yearly average prices shall be ascertained by adding together the weekly averages of the weeks included in such quarter or year, and dividing the total by the number of weeks in such quarter or year respectively:

- (5.) The septennial average price shall be ascertained by adding together the average annual prices for the seven years, and dividing the total by seven;
- (6.) The annual and septennial average shall state the average for the imperial bushel.

10. *Application of septennial average to Tithe Commutation Acts.* The statement of the septennial average price referring to the imperial bushel published under this Act in the London Gazette shall be substituted for the advertisement referred to in such portion of the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter seventy-one, intitled "An Act for the Commutation of Tithes in England and Wales," as is repealed by this Act, and shall be deemed for the purposes of the Acts relating to the commutation of tithes to be an advertisement of the average price published under the said Act.

11. *Penalty for failure to make return—*5 & 6 Vict. c. 14, s. 39.] Every person who fails to make to an inspector of corn returns any return which he is required by this Act to make, or to include in any such return any purchase of British corn or any material particular, shall be liable on summary conviction to a fine not exceeding twenty pounds.

12. *Penalty for false return.* Any person who in any return made in pursuance of this Act to an inspector of corn returns makes any false or fraudulent statement, also any person who includes or procures to be included in any such return any British corn not bona fide bought as specified in the return, or any corn which is not British corn, shall be guilty of misdemeanour.

Where the Board of Trade have reason to believe that a return or any particular in a return is false in any particular, they may cause that return, or so much as relates to that particular, to be omitted in the computation of the average prices in pursuance of this Act.

13. *Inspectors of corn returns.* Such officers of Inland Revenue as the Commissioners of Inland Revenue from time to time appoint shall be inspectors of corn returns.

In every town from which corn returns are required for the time being under this Act to be made, a proper place shall be fixed for the delivery of those returns, and an inspector of corn returns shall attend there to receive the returns on the days on which the returns are required to be made; and the Commissioners of Inland Revenue shall from time to time provide the said place and publicly notify it in such manner as they think sufficient for giving notice thereof to all persons interested.

14. *Regulations as to execution of Act and supply of books, &c.* The Board of Trade may from time to time make, and when made revoke, vary, and add to, regulations respecting the execution of this Act and the duties of inspectors of corn returns, and such regulations shall be duly observed by all persons to whom they relate, and such regulations may refer to all the inspectors or all the towns from which returns are required, or to some one or more of them.

The Board of Trade shall supply inspectors of corn returns with proper books, forms, and documents for the performance of their duties, which shall be the property of the Board of Trade.

The regulations may provide for the inspection, by order of the Board of Trade, and under proper control, of the books and papers kept by inspectors of corn returns for the purposes of this Act.

15. *Expenses.* The expenses incurred by the Commissioners of Inland Revenue or the Board of Trade in the execution of this Act shall, subject to the approval of the Lords Commissioners of Her Majesty's Treasury, be paid out of moneys provided by Parliament.

16. *Application of Act to London.* This Act shall apply to the City of London and the area within five miles from the Royal Exchange in that city in like manner as it applies to a town, subject to the following modifications; that is to say,

- (1.) The return shall be made on Wednesday in

every week or on such other day as may be prescribed:

- (2.) The buyers of corn required to make the return shall be every person who within the said city and area deals in British corn, or carries on business as a cornfactor, or who buys any British corn within the Corn Exchange in Mark-lane in the said city, or within any other building or place which is or may hereafter be used within the said city or area for the like purposes as the said Corn Exchange, and not any other person;
- (3.) The inspector of corn returns, when any vacancy takes place in the office, shall be appointed by the Board of Trade, at such salary or remuneration, payable out of moneys provided by Parliament, as they may with the approval of the Commissioners of Her Majesty's Treasury from time to time determine, and the place for the delivery of the returns shall be provided and notified either by the inspector or the Board of Trade, as determined by the Board of Trade.

17. *Recovery of fines.* Any fine under this Act may be recovered in manner provided by the Summary Jurisdiction (England) Acts, and shall be paid into Her Majesty's Exchequer in such manner as the Lords Commissioners of Her Majesty's Treasury may direct.

18. *Definitions.* In this Act, unless the context otherwise requires,—

The expression "British corn" means wheat, barley, and oats, the produce of the United Kingdom, the Channel Islands, or the Isle of Man, and such wheat, barley, or oats as in this Act referred to as a sort of British corn;

The expression "prescribed" means prescribed by regulations of the Board of Trade under this Act for the time being in force;

The expression "person" includes a body of persons, corporate or unincorporate;

The expression "bought" means the agreement to buy, whether made by sale-note, or otherwise, and irrespective of actual delivery in pursuance thereof.

19. *Repeal of Acts.* The Acts set forth in the schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned; provided that—

- (1.) This repeal shall not affect anything duly done or affirmed in pursuance of the Acts hereby repealed;
- (2.) This repeal shall not affect any returns made or average of prices published before the commencement of this Act, and such returns and average prices shall be dealt with in like manner as if they had been made and published in pursuance of this Act;
- (3.) This repeal shall not affect the persons who at the commencement of this Act hold the office of inspectors of corn returns mentioned in sections twelve, fourteen, and twenty-two of the first Act mentioned in the said schedule, and those persons, while they continue to hold office, shall be inspectors of corn returns under this Act; and the above-mentioned sections, and also sections thirteen, thirty-six, thirty-seven, and thirty-eight of the said Act, shall continue in force so far as regards the persons aforesaid respectively.

#### SCHEDULE. REPEAL OF ACTS.

Session and Chapter.	Title.	Extent of Repeal.
5 & 6 Vict. c. 14.	An Act to amend the laws for the importation of corn.	The whole Act.
27 & 28 Vict. c. 87.	An Act to amend the law relating to publication of accounts of corn imported, and to returns of purchases and sales of corn.	The whole Act.
6 & 7 Will. 4. c. 71.	An Act for the Commutation of Tithes in England and Wales.	Section fifty-six.

## CAP. XXXVIII.

An Act for facilitating Sales, Leases, and other dispositions of Settled Land, and for promoting the execution of Improvements thereon.

[10th August 1882.]

Be it enacted, &c. :

## I.—PRELIMINARY.

1. *Short title; commencement; extent.* (1.) This Act may be cited as the Settled Land Act, 1882.

(2.) This Act, except where it is otherwise expressed, shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and eighty-two, which time is in this Act referred to as the commencement of this Act.

(3.) This Act does not extend to Scotland.

## II.—DEFINITIONS.

2. *Definition of settlement, tenant for life, &c.* (1.) Any deed, will, agreement for a settlement, or other agreement, covenant to surrender, copy of court roll, Act of Parliament, or other instrument, or any number of instruments, whether made or passed before or after, or partly before and partly after, the commencement of this Act, under or by virtue of which instrument or instruments any land, or any estate or interest in land, stands for the time being limited to or in trust for any persons by way of succession, creates or is for purposes of this Act a settlement, and is in this Act referred to as a settlement, or as the settlement, as the case requires.

(2.) An estate or interest in remainder or reversion not disposed of by a settlement, and reverting to the settlor or descending to the testator's heir, is for purposes of this Act an estate or interest coming to the settlor or heir under or by virtue of the settlement, and comprised in the subject of the settlement.

(3.) Land, and any estate or interest therein, which is the subject of a settlement, is for purposes of this Act settled land, and is, in relation to the settlement, referred to in this Act as the settled land.

(4.) The determination of the question whether land is settled land, for purposes of this Act, or not, is governed by the state of facts, and the limitations of the settlement, at the time of the settlement taking effect.

(5.) The person who is for the time being, under a settlement, beneficially entitled to possession of settled land, for his life, is for purposes of this Act the tenant for life of that land, and the tenant for life under that settlement.

(6.) If, in any case, there are two or more persons so entitled as tenants in common, or as joint tenants, or for other concurrent estates or interests, they together constitute the tenant for life for purposes of this Act.

(7.) A person being tenant for life within the foregoing definitions shall be deemed to be such notwithstanding that, under the settlement or otherwise, the settled land, or his estate or interest therein, is incumbered or charged in any manner or to any extent.

(8.) The persons, if any, who are for the time being, under a settlement, trustees with power of sale of settled land, or with power of consent to or approval of the exercise of such a power of sale, or if under a settlement there are no such trustees, then the persons, if any, for the time being, who are by the settlement declared to be trustees thereof for purposes of this Act, are for purposes of this Act trustees of the settlement.

(9.) Capital money arising under this Act, and receivable for the trusts and purposes of the settlement, is in this Act referred to as capital money arising under this Act.

(10.) In this Act—

(i.) Land includes incorporeal hereditaments, also an undivided share in land; income includes rents and profits; and possession includes receipt of income;

(ii.) Rent includes yearly or other rent, and toll, duty, or royalty, or other reservation, by the acre, or the ton, or otherwise; and, in relation to rent, payment includes delivery; and fine includes includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift;

(iii.) Building purposes include the erecting and

the improving of, and the adding to, and the repairing of buildings; and a building lease is a lease for any building purposes or purposes connected therewith;

(iv.) Mines and minerals mean mines and minerals whether already opened or in work, or not, and include all minerals and substances in, on, or under the land, obtainable by underground or by surface working; and mining purposes include the sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, and disposing of mines and minerals, in or under the settled land, or any other land, and the erection of buildings, and the execution of engineering and other works, suitable for those purposes; and a mining lease is a lease for any mining purposes or purposes connected therewith, and includes a grant or licence for any mining purposes;

(v.) Manor includes lordship, and reputed manor or lordship;

(vi.) Steward includes deputy steward, or other proper officer, of a manor;

(vii.) Will includes codicil, and other testamentary instrument, and a writing in the nature of a will;

(viii.) Securities include stocks, funds, and shares;

(ix.) Her Majesty's High Court of Justice is referred to as the Court;

(x.) The Land Commissioners for England as constituted by this Act are referred to as the Land Commissioners;

(xi.) Person includes corporation.

## III.—SALE; ENFRANCHISEMENT; EXCHANGE; PARTITION.

## General Powers and Regulations.

3. *Powers to tenant for life to sell, &c.* A tenant for life—

(i.) May sell the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same; and

(ii.) Where the settlement comprises a manor,—may sell the seignory of any freehold land within the manor, or the freehold and inheritance of any copyhold or customary land, parcel of the manor, with or without any exception or reservation of all or any mines or minerals, or of any rights or powers relative to mining purposes, so as in every such case to effect an enfranchisement; and

(iii.) May make an exchange of the settled land, or any part thereof, for other land, including an exchange in consideration of money paid for equality of exchange; and

(iv.) Where the settlement comprises an undivided share in land, or, under the settlement, the settled land has come to be held in undivided shares,—may concur in making partition of the entirety, including a partition in consideration of money paid for equality of partition.

4. *Regulations respecting sale, enfranchisement, exchange, and partition.* (1.) Every sale shall be made at the best price that can reasonably be obtained.

(2.) Every exchange and every partition shall be made for the best consideration in land or in land and money that can reasonably be obtained.

(3.) A sale may be made in one lot or in several lots, and either by auction or by private contract.

(4.) On a sale the tenant for life may fix reserve biddings and buy in at an auction.

(5.) A sale, exchange, or partition may be made subject to any stipulations respecting title, or evidence of title, or other things.

(6.) On a sale, exchange, or partition any restriction or reservation with respect to building on or other user of land, or with respect to mines or minerals, or with respect to or for the purpose of the more beneficial working thereof, or with respect to any other thing, may be imposed or reserved and made binding, as far as the law permits, by covenant, condition, or otherwise, on the tenant for life and the settled land, or any part thereof, or on the other party and any land sold or given in exchange or on partition to him.

(7.) An enfranchisement may be made with or without a re grant of any right of common or other right, easement, or privilege theretofore appendant or

appurtenant to or held or enjoyed with the land enfranchised, or reputed so to be.

(8.) Settled land in England shall not be given in exchange for land out of England.

## Special Powers.

5. *Transfer of incumbrances on land sold, &c.* Where on a sale, exchange, or partition there is an incumbrance affecting land sold or given in exchange or on partition, the tenant for life, with the consent of the incumbrancer, may charge that incumbrance on any other part of the settled land, whether already charged therewith or not, in exoneration of the part sold or so given, and, by conveyance of the fee simple, or other estate or interest the subject of the settlement, or by creation of a term of years in the settled land, or otherwise, make provision accordingly.

## IV.—LEASES.

## General Powers and Regulations.

6. *Power for tenant for life to lease for ordinary or building or mining purposes.* A tenant for life may lease the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same, for any purpose whatever, whether involving waste or not, for any term not exceeding—

(i.) In case of a building lease, ninety-nine years.

(ii.) In case of a mining lease, sixty years.

(iii.) In case of any other lease, twenty-one years.

7. *Regulations respecting leases generally.* (1.) Every lease shall be by deed, and be made to take effect in possession not later than twelve months after its date.

(2.) Every lease shall reserve the best rent that can reasonably be obtained, regard being had to any fine taken, and to any money laid out or to be laid out for the benefit of the settled land, and generally to the circumstances of the case.

(3.) Every lease shall contain a covenant by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.

(4.) A counterpart of every lease shall be executed by the lessee and delivered to the tenant for life; of which execution and delivery the execution of the lease by the tenant for life shall be sufficient evidence.

(5.) A statement, contained in a lease or in an endorsement thereon, signed by the tenant for life, respecting any matter of fact or of calculation under this Act in relation to the lease, shall, in favour of the lessee and of those claiming under him, be sufficient evidence of the matter stated.

## Building and Mining Leases.

8. *Regulations respecting building leases.* (1.) Every building lease shall be made partly in consideration of the lessee, or some person by whose direction the lease is granted, or some other person, having erected, or agreeing to erect, buildings, new or additional, or having improved or repaired, or agreeing to improve or repair, buildings, or having executed, or agreeing to execute, on the land leased, an improvement authorised by this Act, for or in connexion with building purposes.

(2.) A peppercorn rent, or a nominal or other rent less than the rent ultimately payable, may be made payable for the first five years or any less part of the term.

(3.) Where the land is contracted to be leased in lots, the entire amount of rent to be ultimately payable may be apportioned among the lots in any manner; save that—

(i.) The annual rent reserved by any lease shall not be less than ten shillings; and

(ii.) The total amount of the rents reserved on all leases for the time being granted shall not be less than the total amount of the rents which, in order that the leases may be in conformity with this Act, ought to be reserved in respect of the whole land for the time being leased; and

(iii.) The rent reserved by any lease shall not exceed one-fifth part of the full annual value of the land comprised in that lease with the buildings thereon when completed.

9. *Regulations respecting mining leases.* (1.) In a mining lease—

(i.) The rent may be made to be ascertainable by or to vary according to the acreage worked, or



by or according to the quantities of any mineral or substance gotten, made merchantable, converted, carried away, or disposed of, in or from the settled land, or any other land, or by or according to any facilities given in that behalf; and

- (ii.) A fixed or minimum rent may be made payable, with or without power for the lessee, in case the rent, according to acreage or quantity, in any specified period does not produce an amount equal to the fixed or minimum rent, to make up the deficiency in any subsequent specified period, free of rent other than the fixed or minimum rent.

(2) A lease may be made partly in consideration of the lessee having executed, or his agreeing to execute, on the land leased, an improvement authorised by this Act, for or in connexion with mining purposes.

10. *Variation of building or mining lease according to circumstances of district.* (1.) Where it is shown to the Court with respect to the district in which any settled land is situate, either—

- (i.) That it is the custom for land therein to be leased or granted for building or mining purposes for a longer term or on other conditions than the term or conditions specified in that behalf in this Act, or in perpetuity; or

- (ii.) That it is difficult to make leases or grants for building or mining purposes of land therein, except for a longer term or on other conditions than the term and conditions specified in that behalf in this Act, or except in perpetuity;

the Court may, if it thinks fit, authorise generally the tenant for life to make from time to time leases or grants of or affecting the settled land in that district, or parts thereof, for any term or in perpetuity, at fee-farm or other rents, secured by condition of re-entry, or otherwise, as in the order of the Court expressed, or may, if it thinks fit, authorise the tenant for life to make any such lease or grant in any particular case.

(2.) Thereupon the tenant for life, and, subject to any direction in the order of the Court to the contrary, each of his successors in title being a tenant for life, or having the powers of a tenant for life under this Act, may make in any case, or in the particular case, a lease or grant of or affecting the settled land, or part thereof, in conformity with the order.

11. *Part of mining rent to be set aside.* Under a mining lease, whether the mines or minerals leased are already opened or in work or not, unless a contrary intention is expressed in the settlement, there shall be from time to time set aside, as capital money arising under this Act, part of the rent as follows, namely,—where the tenant for life is impeachable for waste in respect of minerals, three fourth parts of the rent, and otherwise one fourth part thereof, and in every such case the residue of the rent shall go as rents and profits.

#### Special Powers.

12. *Leasing powers for special objects.* The leasing power of a tenant for life extends to the making of—

- (i.) A lease for giving effect to a contract entered into by any of his predecessors in title for making a lease, which, if made by the predecessor, would have been binding on the successors in title; and
- (ii.) A lease for giving effect to a covenant of renewal, performance whereof could be enforced against the owner for the time being of the settled land; and
- (iii.) A lease for confirming, as far as may be, a previous lease, being void or voidable; but so that every lease, as and when confirmed, shall be such a lease as might at the date of the original lease have been lawfully granted, under this Act, or otherwise, as the case may require.

#### Surrenders.

13. *Surrender and new grant of leases.* (1.) A tenant for life may accept, with or without consideration, a surrender of any lease of settled land, whether made under this Act or not, in respect of the whole land leased, or any part thereof, with or without an exception of all or any of the mines and minerals therein, or in respect of mines and minerals, or any of them.

- (2.) On a surrender of a lease in respect of part

only of the land or mines and minerals leased, the rent may be apportioned.

(3.) On a surrender, the tenant for life may make of the land or mines and minerals surrendered, or of any part thereof, a new or other lease, or new or other leases in lots.

(4.) A new or other lease may comprise additional land or mines and minerals, and may reserve any apportioned or other rent.

(5.) On a surrender, and the making of a new or other lease, whether for the same or for any extended or other term, and whether or not subject to the same or to any other covenants, provisions, or conditions, the value of the lessee's interest in the lease surrendered may be taken into account in the determination of the amount of the rent to be reserved, and of any fine to be taken, and of the nature of the covenants, provisions, and conditions to be inserted in the new or other lease.

(6.) Every new or other lease shall be in conformity with this Act.

#### Copyholds.

14. *Power to grant to copyholders licences for leasing.*

(1.) A tenant for life may grant to a tenant of copyhold or customary land, parcel of a manor comprised in the settlement, a licence to make any such lease of that land, or of a specified part thereof, as the tenant for life is by this Act empowered to make of freehold land.

(2.) The licence may fix the annual value whereon fines, fees, or other customary payments are to be assessed, or the amount of those fines, fees, or payments.

(3.) The licence shall be entered on the court rolls of the manor, of which entry a certificate in writing of the steward shall be sufficient evidence.

#### V.—SALES, LEASES, AND OTHER DISPOSITIONS.

##### Mansion and Park.

15. *Restriction as to mansion house, park, &c.* Notwithstanding anything in this Act, the principal mansion house on any settled land, and the demesnes thereof, and other lands usually occupied therewith, shall not be sold or leased by the tenant for life, without the consent of the trustees of the settlement, or an order of the Court.

##### Streets and open Spaces.

16. *Dedication for streets, open spaces, &c.* On or in connection with a sale or grant for building purposes, or a building lease, the tenant for life, for the general benefit of the residents on the settled land, or on any part thereof,—

- (i.) May cause or require any parts of the settled land to be appropriated and laid out for streets, roads, paths, squares, gardens, or other open spaces for the use, gratuitously or on payment, of the public or of individuals, with sewers, drains, watercourses, fencing, paving, or other works necessary or proper in connection therewith; and

- (ii.) May provide that the parts so appropriated shall be conveyed to or vested in the trustees of the settlement, or other trustees, or any company or public body, on trusts or subject to provisions for securing the continued appropriation thereof to the purposes aforesaid, and the continued repair or maintenance of streets and other places and works aforesaid, with or without provision for appointment of new trustees when required; and

- (iii.) May execute any general or other deed necessary or proper for giving effect to the provisions of this section (which deed may be enrolled in the Central Office of the Supreme Court of Judicature), and thereby declare the mode, terms, and conditions of the appropriation, and the manner in which and the persons by whom the benefits thereof is to be enjoyed, and the nature and extent of the privileges and conveniences granted.

##### Surface and Minerals apart.

17. *Separate dealing with surface and minerals, with or without wayleaves, &c.* (1.) A sale, exchange, partition, or mining lease, may be made either of land, with or without an exception or reservation of all or any of the mines and minerals therein, or of any mines and minerals, and in any such case with or without a grant or

reservation of powers of working, wayleaves or rights of way, rights of water and drainage, and other powers, easements, rights, and privileges for or incident to or connected with mining purposes, in relation to the settled land, or any part thereof, or any other land.

(2.) An exchange or partition may be made subject to and in consideration of the reservation of an undivided share in mines or minerals.

#### Mortgages.

18. *Mortgage for equality money, &c.* Where money is required for enfranchisement, or for equality of exchange or partition, the tenant for life may raise the same on mortgage of the settled land, or of any part thereof, by conveyance of the fee simple, or other estate or interest the subject of the settlement, or by creation of a term of years, in the settled land, or otherwise, and the money raised shall be capital money arising under this Act.

#### Undivided Share.

19. *Concurrence in exercise of powers as to undivided share.* Where the settled land comprises an undivided share in land, or, under the settlement, the settled land has come to be held in undivided shares, the tenant for life of an undivided share may join or concur, in any manner and to any extent necessary or proper for any purpose of this Act, with any person entitled to or having power or right of disposition of or over another undivided share.

#### Conveyances.

20. *Completion of sale, lease, &c., by conveyance.*

(1.) On a sale, exchange, partition, lease, mortgage, or charge, the tenant for life may, as regards land sold, given in exchange or on partition, leased, mortgaged, or charged, or intended so to be, including copyhold or customary or leasehold land vested in trustees, or as regards easements or rights or privileges sold or leased, or intended so to be, convey or create the same by deed, for the estate or interest the subject of the settlement, or for any less estate or interest, to the use and in the manner requisite for giving effect to the sale, exchange, partition, lease, mortgage, or charge.

(2.) Such a deed, to the extent and in the manner to and in which it is expressed or intended to operate and can operate under this Act, is effectual to pass the land conveyed, or the easements, rights, or privileges created, discharged from all the limitations, powers, and provisions of the settlement, and from all estates, interests, and charges subsisting or to arise thereunder, but subject to and with the exception of—

- (i.) All estates, interests, and charges having priority to the settlement; and

- (ii.) All such other, if any, estates, interests, and charges as have been conveyed or created for securing money actually raised at the date of the deed; and

- (iii.) All leases and grants at fee-farm rents or otherwise, and all grants of easements, rights of common, or other rights or privileges granted or made for value in money or money's worth, or agreed so to be, before the date of the deed, by the tenant for life, or by any of his predecessors in title, or by any trustees for him or them, under the settlement or under any statutory power, or being otherwise binding on the successors in title of the tenant for life.

(3.) In case of a deed relating to copyhold or customary land, it is sufficient that the deed be entered on the court rolls of the manor, and the steward is hereby required on production to him of the deed to make the proper entry; and on that production, and on payment of customary fines, fees, and other dues or payments, any person whose title under the deed requires to be perfected by admittance shall be admitted accordingly; but if the steward so requires, there shall also be produced to him so much of the settlement as may be necessary to show the title of the person executing the deed; and the same may, if the steward thinks fit, be also entered on the court rolls.

#### VI.—INVESTMENT OR OTHER APPLICATION OF CAPITAL TRUST MONEY.

21. *Capital money under Act; investment, &c., by trustees or Court.* Capital money arising under this



Act, subject to payment of claims properly payable thereout, and to application thereof for any special authorised object for which the same was raised, shall, when received, be invested or otherwise applied wholly in one, or partly in one and partly in another or others, of the following modes (namely):

- (i.) In investment on Government securities, or on other securities on which the trustees of the settlement are by the settlement or by law authorised to invest trust money of the settlement, or on the security of the bonds, mortgages, or debentures, or in the purchase of the debenture stock, of any railway company in Great Britain or Ireland incorporated by special Act of Parliament, and having for ten years next before the date of investment paid a dividend on its ordinary stock or shares, with power to vary the investment into or for any other such securities;
- (ii.) In discharge, purchase, or redemption of incumbrances affecting the inheritance of the settled land, or other the whole the estate subject of the settlement, or of land tax, rentcharge in lieu of tithe, Crown rent, chief rent, or quit rent, charged on or payable out of the settled land;
- (iii.) In payment for any improvement authorised by this Act;
- (iv.) In payment for equality of exchange or partition of settled land;
- (v.) In purchase of the reversion of any part of the settled land, being freehold land, or in purchase of the fee simple of any part of the settled land, being copyhold or customary land;
- (vi.) In purchase of the reversion or freehold in fee of any part of the settled land, being leasehold land held for years, or life, or years determinable on life;
- (vii.) In purchase of land in fee simple, or of copyhold or customary land, or of leasehold land held for sixty years or more unexpired at the time of purchase, subject or not to any exception or reservation of or in respect of mines or minerals therein, or of or in respect of rights or powers relative to the working of mines or minerals therein, or in other land;
- (viii.) In purchase, either in fee simple, or for a term of sixty years or more, of mines and minerals convenient to be held or worked with the settled land, or of any easement, right, or privilege convenient to be held with the settled land for mining or other purposes;
- (ix.) In payment to any person becoming absolutely entitled or empowered to give an absolute discharge;
- (x.) In payment of costs, charges, and expenses of or incidental to the exercise of any of the powers, or the execution of any of the provisions, of this Act;
- (xi.) In any other mode in which money produced by the exercise of a power of sale in the settlement is applicable thereunder.

22. *Regulations respecting investment, devolution, and income of securities, &c.* (1.) Capital money arising under this Act shall, in order to its being invested or applied as aforesaid, be paid either to the trustees of the settlement or into Court, at the option of the tenant for life, and shall be invested or applied by the trustees, or under the direction of the Court, as the case may be, accordingly.

(2.) The investment or other application by the trustees shall be made according to the direction of the tenant for life, and in default thereof, according to the discretion of the trustees, but in the last-mentioned case subject to any consent required or direction given by the settlement with respect to the investment or other application by the trustees of trust money of the settlement; and any investment shall be in the names or under the control of the trustees.

(3.) The investment or other application under the direction of the Court shall be made on the application of the tenant for life, or of the trustees.

(4.) Any investment or other application shall not during the life of the tenant for life be altered without his consent.

(5.) Capital money arising under this Act while remaining uninvested or unapplied, and securities on which an investment of any such capital money is made, shall, for all purposes of disposition, transmission, and devolution, be considered as land, and the same shall be held for and go to the same persons

successively, in the same manner and for and on the same estates, interests, and trusts, as the land wherefrom the money arises would, if not disposed of, have been held and have gone under the settlement.

(6.) The income of those securities shall be paid or applied as the income of that land, if not disposed of, would have been payable or applicable under the settlement.

(7.) Those securities may be converted into money, which shall be capital money arising under this Act.

23. *Investment in land in England.* Capital money arising under this Act from settled land in England shall not be applied in the purchase of land out of England, unless the settlement expressly authorises the same.

24. *Settlement of land purchased, taken in exchange, &c.* (1.) Land acquired by purchase or in exchange, or on partition, shall be made subject to the settlement in manner directed in this section.

(2.) Freehold land shall be conveyed to the uses, on the trusts, and subject to the powers and provisions which, under the settlement, or by reason of the exercise of any power of charging therein contained, are subsisting with respect to the settled land, or as near thereto as circumstances permit, but not so as to increase or multiply charges or powers of charging.

(3.) Copyhold, customary, or leasehold land shall be conveyed to and vested in the trustees of the settlement on trusts and subject to powers and provisions corresponding, as nearly as the law and circumstances permit, with the uses, trusts, powers, and provisions to and subject to which freehold land is to be conveyed as aforesaid; so nevertheless that the beneficial interest in land held by lease for years shall not vest absolutely in a person who is by the settlement made by purchase tenant in tail, or in tail male, or in tail female, and who dies under the age of twenty-one years, but shall, on the death of that person under that age, go as freehold land conveyed as aforesaid would go.

(4.) Land acquired as aforesaid may be made a substituted security for any charge in respect of money actually raised, and remaining unpaid, from which the settled land, or any part thereof, or any undivided share therein, has theretofore been released on the occasion and in order to the completion of a sale, exchange, or partition.

(5.) Where a charge does not affect the whole of the settled land, then the land acquired shall not be subjected thereto, unless the land is acquired either by purchase with money arising from sale of land which was before the sale subject to the charge, or by an exchange or partition of land which, or an undivided share wherein, was before the exchange or partition subject to the charge.

(6.) On land being so acquired, any person who, by the direction of the tenant for life, so conveys the land as to subject it to any charge, is not concerned to inquire whether or not it is proper that the land should be subjected to the charge.

(7.) The provisions of this section referring to land extend and apply, as far as may be, to mines and minerals, and to easements, rights and privileges over and in relation to land.

## VII.—IMPROVEMENTS.

### *Improvements with Capital Trust Money.*

25. *Description of improvements authorised by Act.* Improvements authorised by this Act are the making or execution on, or in connection with, and for the benefit of settled land, of any of the following works, or of any works for any of the following purposes, and any operation incident to or necessary or proper in the execution of any of those works, or necessary or proper for carrying into effect any of those purposes, or for securing the full benefit of any of those works or purposes (namely):

- (i.) Drainage, including the straightening, widening, or deepening of drains, streams, and watercourses;
- (ii.) Irrigation; warping;
- (iii.) Drain, pipes, and machinery for supply and distribution of sewage as manure;
- (iv.) Embanking or weiring from a river or lake, or from the sea, or a tidal water;
- (v.) Groynes; sea walls; defences against water;
- (vi.) Inclosing; straightening of fences; re-division of fields;

- (vii.) Reclamation; dry warping;
- (viii.) Farm roads; private roads; roads or streets in villages or towns;
- (ix.) Clearing; trenching; planting;
- (x.) Cottages for labourers, farm servants, and artisans, employed on the settled land or not;
- (xi.) Farmhouses, offices, and out-buildings, and other buildings for farm purposes;
- (xii.) Saw-mills, scutch-mills, and other mills, water-wheels, engine-houses, and kilns, which will increase the value of the settled land for agricultural purposes or as woodland or otherwise;
- (xiii.) Reservoirs, tanks, conduits, watercourses, pipes, wells, ponds, shafts, dams, weirs, sluices, and other works and machinery for supply and distribution of water for agricultural, manufacturing, or other purposes, or for domestic or other consumption;
- (xiv.) Tramways; railways; canals; docks;
- (xv.) Jetties, piers, and landing places on rivers, lakes, the sea, or tidal waters, for facilitating transport of persons and of agricultural stock and produce, and of manure and other things required for agricultural purposes, and of minerals, and of things required for mining purposes;
- (xvi.) Markets and market-places;
- (xvii.) Streets, roads, paths, squares, gardens, or other open spaces for the use, gratuitously or on payment, of the public or of individuals, or for dedication to the public, the same being necessary or proper in connexion with the conversion of land into building land;
- (xviii.) Sewers, drains, watercourses, pipe-making, fencing, paving, brick-making, tile-making, and other works necessary or proper in connexion with any of the objects aforesaid;
- (xix.) Trial pits for mines, and other preliminary works necessary or proper in connexion with development of mines;
- (xx.) Reconstruction, enlargement, or improvement of any of those works.

26. *Approval by Land Commissioners of scheme for improvement and payment thereon.* (1.) Where the tenant for life is desirous that capital money arising under this Act shall be applied in or towards payment for an improvement authorised by this Act, he may submit for approval to the trustees of the settlement, or to the Court, as the case may require, a scheme for the execution of the improvement, showing the proposed expenditure thereon.

(2.) Where the capital money to be expended is in the hands of trustees, then, after a scheme is approved by them, the trustees may apply that money in or towards payment for the whole or part of any work or operation comprised in the improvement, on—

- (i.) A certificate of the Land Commissioners certifying that the work or operation, or some specified part thereof, has been properly executed, and what amount is properly payable by the trustees in respect thereof, which certificate shall be conclusive in favour of the trustees as an authority and discharge for any payment made by them in pursuance thereof; or on
- (ii.) A like certificate of a competent engineer or able practical surveyor nominated by the trustees and approved by the Commissioner, or by the Court, which certificate shall be conclusive as aforesaid; or on
- (iii.) An order of the Court directing or authorising the trustees to so apply a specified portion of the capital money.

(3.) Where the capital money to be expended is in Court, then, after a scheme is approved by the Court, the Court may, if it thinks fit, on a report or certificate of the Commissioners, or of a competent engineer or able practical surveyor, approved by the Court, or on such other evidence as the Court thinks sufficient, make such order and give such directions as it thinks fit for the application of that money, or any part thereof, in or towards payment for the whole or part of any work or operation comprised in the improvement.

27. *Concurrence in improvements.* The tenant for life may join or concur with any other person interested in executing any improvement authorised by this Act, or in contributing to the cost thereof.

28. *Obligation on tenant for life and successors of maintain, insure, &c.* (1.) The tenant for life, and each of his successors in title having, under the settlement, a limited estate or interest only in the settled land, shall, during such period, if any, as the Land Commissioners by certificate in any case prescribe, maintain and repair, at his own expense, every improvement executed under the foregoing provisions of this Act, and where a building or work in its nature insurable against damage by fire is comprised in the improvement, shall insure and keep insured the same, at his own expense, in such amount, if any, as the Commissioners by certificate in any case prescribe.

(2.) The tenant for life, or any of his successors as aforesaid, shall not cut down or knowingly permit to be cut down, except in proper thinning, any trees planted as an improvement under the foregoing provisions of this Act.

(3.) The tenant for life, and each of his successors as aforesaid, shall from time to time, if required by the Commissioners, on or without the suggestion of any person having, under the settlement, any estate or interest in the settled land in possession, remainder, or otherwise, report to the Commissioners the state of every improvement executed under this Act, and the fact and particulars of fire insurance, if any.

(4.) The Commissioners may vary any certificate made by them under this section, in such manner or to such extent as circumstances appear to them to require, but not so as to increase the liabilities of the tenant for life, or any of his successors as aforesaid.

(5.) If the tenant for life, or any of his successors as aforesaid, fails in any respect to comply with the requisitions of this section, or does any act in contravention thereof, any person having, under the settlement, any estate or interest in the settled land in possession, remainder, or reversion, shall have a right of action, in respect of that default or act, against the tenant for life; and the estate of the tenant for life, after his death, shall be liable to make good to the persons entitled under the settlement any damages occasioned by that default or act.

#### Execution and Repair of Improvements.

29. *Protection as regards waste in execution and repair of improvements.* The tenant for life, and each of his successors in title having, under the settlement, a limited estate or interest only in the settled land, and all persons employed by or under contract with the tenant for life, or any such successor, may from time to time enter on the settled land, and, without impeachment of waste by any remainderman or reversioner, thereon execute any improvement authorised by this Act, or inspect, maintain, and repair the same, and, for the purposes thereof, on the settled land, do, make, and use all acts, works, and conveniences proper for the execution, maintenance, repair, and use thereof, and get and work freestone, limestone, clay, sand, and other substances, and make tramways and other ways, and burn and make bricks, tiles, and other things, and cut down and use timber and other trees not planted or left standing for shelter or ornament.

#### Improvement of Land Act, 1864.

30. *Extension of 27 & 28 Vict. c. 114, s. 9.* The enumeration of improvements contained in section nine of the Improvement of Land Act, 1864, is hereby extended so as to comprise, subject and according to the provisions of that Act, but only as regards applications made to the Land Commissioners after the commencement of this Act, all improvements authorised by this Act.

#### VIII.—CONTRACTS.

31. *Power for tenant for life to enter into contracts.* (1.) A tenant for life—

- (i.) May contract to make any sale, exchange, partition, mortgage, or charge; and
- (ii.) May vary or rescind, with or without consideration, the contract, in the like cases and manner in which, if he were absolute owner of the settled land, he might lawfully vary or rescind the same, but so that the contract as varied be in conformity with this Act; and any such consideration, if paid in money, shall be capital money arising under this Act; and
- (iii.) May contract to make any lease; and in

making the lease may vary the terms, with or without consideration, but so that the lease be in conformity with this Act; and

- (iv.) May accept a surrender of a contract for a lease, in like manner and on the like terms in and on which he might accept a surrender of a lease; and thereupon may make a new or other contract, or new or other contracts, for or relative to a lease or leases, in like manner and on the like terms in and on which he might make a new or other lease, or new or other leases, where a lease had been granted; and
- (v.) May enter into a contract for or relating to the execution of any improvement authorised by this Act, and may vary or rescind the same; and
- (vi.) May, in any other case, enter into a contract to do any act for carrying into effect any of the purposes of this Act, and may vary or rescind the same.

(2.) Every contract shall be binding on and shall ensure for the benefit of the settled land, and shall be enforceable against and by every successor in title for the time being of the tenant for life, and may be carried into effect by any such successor; but so that it may be varied or rescinded by any such successor, in the like case and manner, if any, as if it had been made by himself.

(3.) The Court may, on the application of the tenant for life, or of any such successor, or of any person interested in any contract, give directions respecting the enforcing, carrying into effect, varying, or rescinding thereof.

(4.) Any preliminary contract under this Act for or relating to a lease shall not form part of the title or evidence of the title of any person to the lease, or to the benefit thereof.

#### IX.—MISCELLANEOUS PROVISIONS.

32. *Application of money in Court under Lands Clauses and other Acts.* Where, under an Act incorporating or applying, wholly or in part, the Lands Clauses Consolidation Acts, 1845, 1850, and 1869, or under the Settled Estates Act, 1877, or under any other Act, public, local, personal, or private, money is at the commencement of this Act in Court, or is afterwards paid into Court, and is liable to be laid out in the purchase of land to be made subject to a settlement, then, in addition to any mode of dealing therewith authorised by the Act under which the money is in Court, that money may be invested or applied as capital money arising under this Act, on the like terms, if any, respecting costs and other things, as nearly as circumstances admit, and (notwithstanding anything in this Act) according to the same procedure, as if the modes of investment or application authorised by this Act were authorised by the Act under which the money is in Court.

33. *Application of money in hands of trustees under powers of settlement.* Where, under a settlement, money is in the hands of trustees, and is liable to be laid out in the purchase of land to be made subject to the settlement, then, in addition to such powers of dealing therewith as the trustees have independently of this Act, they may, at the option of the tenant for life, invest or apply the same as capital money arising under this Act.

34. *Application of money paid for lease or reversion.* Where capital money arising under this Act is purchase-money paid in respect of a lease for years, or life, or years determinable on life, or in respect of any other estate or interest in land less than the fee simple, or in respect of a reversion dependent on any such lease, estate, or interest, the trustees of the settlement or the Court, as the case may be, and in the case of the Court on the application of any party interested in that money, may, notwithstanding anything in this Act, require and cause the same to be laid out, invested, accumulated, and paid in such manner as, in the judgment of the trustees or of the Court, as the case may be, will give to the parties interested in that money the like benefit therefrom as they might lawfully have had from the lease, estate, interest, or reversion in respect whereof the money was paid, or as near thereto as may be.

35. *Cutting and sale of timber, and part of proceeds to be set aside.* (1.) Where a tenant for life is impeachable for waste in respect of timber, and there is on the settled land timber ripe and fit for cutting, the tenant for life, on obtaining the consent of the

trustees of the settlement or an order of the Court, may cut and sell that timber, or any part thereof.

(2.) Three fourth parts of the net proceeds of the sale shall be set aside as and be capital money arising under this Act, and the other fourth part shall go as rents and profits.

36. *Proceedings for protection or recovery of land settled or claimed as settled.* The court may, if it thinks fit, approve of any action, defence, petition to Parliament, parliamentary opposition, or other proceeding taken or proposed to be taken for protection of settled land, or of any action or proceeding taken or proposed to be taken for recovery of land being or alleged to be subject to a settlement, and may direct that any costs, charges, or expenses incurred or to be incurred in relation thereto, or any part thereof, be paid out of property subject to the settlement.

37. *Heirlooms.* (1.) Where personal chattels are settled on trust so as to devolve with land until a tenant in tail by purchase is born or attains the age of twenty-one years, or so as otherwise to vest in some person becoming entitled to an estate of freehold of inheritance in the land, a tenant for life of the land may sell the chattels or any of them.

(2.) The money arising by the sale shall be capital money arising under this Act, and shall be paid, invested, or applied and otherwise dealt with in like manner in all respects as by this Act directed with respect to other capital money arising under this Act, or may be invested in the purchase of other chattels, of the same or any other nature, which, when purchased, shall be settled and held on the same trusts, and shall devolve in the same manner as the chattels sold.

(3.) A sale or purchase of chattels under this section shall not be made without an order of the Court.

#### X.—TRUSTEES.

38. *Appointment of trustees by Court.* (1.) If at any time there are no trustees of a settlement within the definition in this Act, or where in any other case it is expedient, for purposes of this Act, that new trustees of a settlement be appointed, the Court may, if it thinks fit, on the application of the tenant for life or of any other person having, under the settlement, an estate or interest in the settled land, in possession, remainder, or otherwise, or, in the case of an infant, of his testamentary or other guardian, or next friend, appoint fit persons to be trustees under the settlement for purposes of this Act.

(2.) The persons so appointed, and the survivors and survivor of them, while continuing to be trustees or trustee, and, until the appointment of new trustees, the personal representatives or representative for the time being of the last surviving or continuing trustee, shall for purposes of this Act become and be the trustees or trustee of the settlement.

39. *Number of trustees to act.* (1.) Notwithstanding anything in this Act, capital money arising under this Act shall not be paid to fewer than two persons as trustees of a settlement, unless the settlement authorises the receipt of capital trust money of the settlement by one trustee.

(2.) Subject thereto, the provisions of this Act referring to the trustees of a settlement apply to the surviving or continuing trustees or trustee of the settlement for the time being.

40. *Trustees receipts.* The receipt in writing of the trustees of a settlement, or where one trustee is empowered to act, of one trustee, or of the personal representatives or representative of the last surviving or continuing trustee, for any money or securities, paid or transferred to the trustees, trustee, representatives, or representative, as the case may be, effectually discharges the payer or transferor therefrom, and from being bound to see to the application or being answerable for any loss or misapplication thereof, and, in case of a mortgage or other person advancing money, from being concerned to see that any money advanced by him is wanted for any purpose of this Act, or that no more than is wanted is raised.

41. *Protection of each trustee individually.* Each person who is for the time being trustee of a settlement is answerable for what he actually receives only, notwithstanding his signing any receipt for conformity, and in respect of his own acts, receipts, and defaults only, and is not answerable in respect of those of any other trustee, or of any banker, broker,



or other person, or for the insufficiency or deficiency of any securities, or for any loss not happening through his own wilful default.

42. *Protection of trustees generally.* The trustees of a settlement, or any of them, are not liable for giving any consent, or for not making, bringing, taking, or doing any such application, action, proceeding, or thing, as they might make, bring, take, or do; and in case of purchase of land with capital money arising under this Act, or of an exchange, partition, or lease, are not liable for adopting any contract made by the tenant for life, or bound to inquire as to the propriety of the purchase, exchange, partition, or lease, or answerable as regards any price, consideration, or fine, and are not liable to see to or answerable for the investigation of the title, or answerable for a conveyance of land, if the conveyance purports to convey the land in the proper mode, or liable in respect of purchase-money paid by them by direction of the tenant for life to any person joining in the conveyance as a conveying party, or as giving a receipt for the purchase-money, or in any other character, or in respect of any other money paid by them by direction of the tenant for life on the purchase, exchange, partition, or lease.

43. *Trustees reimbursement.* The trustees of a settlement may reimburse themselves or pay and discharge out of the trust property all expenses properly incurred by them.

44. *Reference of differences to Court.* If at any time a difference arises between a tenant for life and the trustees of the settlement, respecting the exercise of any of the powers of this Act, or respecting any matter relating thereto, the Court may, on the application of either party, give such directions respecting the matter in difference, and respecting the costs of the application, as the Court thinks fit.

45. *Notice to trustees.* (1.) A tenant for life, when intending to make a sale, exchange, partition, lease, mortgage, or charge, shall give notice of his intention in that behalf to each of the trustees of the settlement, by posting registered letters, containing the notice, addressed to the trustees, severally, each at his usual or last known place of abode in the United Kingdom, and shall give like notice to the solicitor for the trustees, if any such solicitor is known to the tenant for life, by posting a registered letter, containing the notice, addressed to the solicitor at his place of business in the United Kingdom, every letter under this section being posted not less than one month before the making by the tenant for life of the sale, exchange, partition, lease, mortgage, or charge, or of a contract for the same.

(2.) Provided that at the date of notice given the number of trustees shall not be less than two, unless a contrary intention is expressed in the settlement.

(3.) A person dealing in good faith with the tenant for life is not concerned to inquire respecting the giving of any such notice, as is required by this section.

#### XI.—COURT; LAND COMMISSIONERS; PROCEEDURE.

46. *Regulations respecting payments into Court, applications, &c.* (1.) All matters within the jurisdiction of the Court under this Act shall, subject to the Acts regulating the Court, be assigned to the Chancery Division of the Court.

(2.) Payment of money into Court effectually exonerates therefrom the person making the payment.

(3.) Every application to the Court shall be by petition, or by summons at Chambers.

(4.) On an application by the trustees of a settlement notice shall be served in the first instance on the tenant for life.

(5.) On any application notice shall be served on each person, if any, as the Court thinks fit.

(6.) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application, and may, if it thinks fit, order that all or any of those costs, charges, or expenses be paid out of property subject to the settlement.

(7.) General Rules for purposes of this Act shall be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, as altered by section nineteen of the Supreme Court of Judicature Act, 1881, and may be made accordingly.

(8.) The powers of the Court may, as regards land

in the County Palatine of Lancaster, be exercised also by the Court of Chancery of the County Palatine; and Rules for regulating proceedings in that Court shall be from time to time made by the Chancellor of the Duchy of Lancaster, with the advice and consent of a Judge of the High Court acting in the Chancery Division, and of the Vice-Chancellor of the County Palatine.

(9.) General Rules, and Rules for the Court of Chancery of the County Palatine, may be made at any time after the passing of this Act, to take effect on or after the commencement of this Act.

(10.) The powers of the Court may, as regards land not exceeding in capital value five hundred pounds, or in annual rateable value thirty pounds, and as regards capital money arising under this Act, and securities in which the same is invested, not exceeding in amount or value five hundred pounds, and as regards personal chattels settled or to be settled, as in this Act mentioned, not exceeding in value five hundred pounds, be exercised by any County Court within the district whereof is situate any part of the land which is to be dealt with in the Court, or from which the capital money to be dealt with in the Court arises under this Act, or in connection with which the personal chattels to be dealt with in the Court are settled.

47. *Payment of costs out of settled property.* Where the Court directs that any costs, charges, or expenses be paid out of property subject to a settlement, the same shall, subject and according to the directions of the Court, be raised and paid out of capital money arising under this Act, or other money liable to be laid out in the purchase of land to be made subject to the settlement, or out of investments representing such money, or out of income of any such money or investments, or out of any accumulations of income of land, money, or investments, or by means of a sale of part of the settled land in respect whereof the costs, charges, or expenses are incurred, or of other settled land comprised in the same settlement and subject to the same limitations, or by means of a mortgage of the settled land or any part thereof, to be made by such person as the Court directs, and either by conveyance of the fee simple or other estate or interest the subject of the settlement, or by creation of a term, or otherwise, or by means of a charge on the settled land or any part thereof, or partly in one of those modes and partly in another or others, or in any such other mode as the Court thinks fit.

48. *Constitution of Land Commissioners: their powers, &c.* (1.) The Commissioners now bearing the three several styles of the Inclosure Commissioners for England and Wales, and the Copyhold Commissioners, and the Tithe Commissioners for England and Wales, shall, by virtue of this Act, become and shall be styled the Land Commissioners for England.

(2.) The Land Commissioners shall cause one seal to be made with their style as given by this Act; and in the execution and discharge of any power or duty under any Act relating to the three several bodies of commissioners aforesaid, they shall adopt and use the seal and style of the Land Commissioners for England, and no other.

(3.) Nothing in the foregoing provisions of this section shall be construed as altering in any respect the powers, authorities, or duties of the Land Commissioners, or as affecting in respect of appointment, salary, pension, or otherwise any of those commissioners, in office at the passing of this Act, or any assistant commissioner, secretary, or other officer or person then in office or employed under them.

(4.) All Acts of Parliament, judgments, decrees, or orders of any court, awards, deeds, and other documents, passed or made before the commencement of this Act, shall be read and have effect as if the Land Commissioners were therein mentioned instead of one or more of the three several bodies of commissioners aforesaid.

(5.) All acts, matters, and things commenced by or under the authority of any one or more of the three several bodies of commissioners aforesaid before the commencement of this Act, and not then completed, shall and may be carried on and completed by or under the authority of the Land Commissioners; and the Land Commissioners, for the purpose of prosecuting, or defending, or carrying on any action, suit, or proceeding pending at the commencement of this Act, shall come into the place of any one or more, as the

case may require, of the three several bodies of commissioners aforesaid.

(6.) The Land Commissioners shall, by virtue of this Act, have, for the purposes of any Act, public, local, personal, or private, passed or to be passed, making provision for the execution of improvements on settled land, all such powers and authorities as they have for the purposes of the Improvement of Land Act, 1864; and the provisions of the last-mentioned Act relating to their proceedings and inquiries, and to authentication of instruments, and to declarations, statements, notices, applications, forms, security for expenses, inspections, and examinations, shall extend and apply, as far as the nature and circumstances of the case admit, to acts and proceedings done or taken by or in relation to the Land Commissioners under any Act making provision as last aforesaid; and the provisions of any Act relating to fees or to security for costs to be taken in respect of the business transacted under the Acts administered by the three several bodies of commissioners aforesaid shall extend and apply to the business transacted by or under the direction of the Land Commissioners under any Act, public, local, personal, or private, passed or to be passed, by which any power or duty is conferred or imposed on them.

49. *Filing of certificates, &c., of Commissioners.* (1.) Every certificate and report approved and made by the Land Commissioners under this Act shall be filed in their office.

(2.) An office copy of any certificate or report so filed shall be delivered out of their office to any person requiring the same, on payment of the proper fee, and shall be sufficient evidence of the certificate or report whereof it purports to be a copy.

#### XII.—RESTRICTIONS, SAVINGS, AND GENERAL PROVISIONS.

50. *Powers not assignable; contract not to exercise powers void.* (1.) The powers under this Act of a tenant for life are not capable of assignment or release, and do not pass to a person as being, by operation of law or otherwise, an assignee of a tenant for life, and remain exercisable by the tenant for life after and notwithstanding any assignment, by operation of law or otherwise, of his estate or interest under the settlement.

(2.) A contract by a tenant for life not to exercise any of his powers under this Act is void.

(3.) But this section shall operate without prejudice to the rights of any person being an assignee for value of the estate or interest of the tenant for life; and in that case the assignee's rights shall not be affected without his consent, except that, unless the assignee is actually in possession of the settled land, or part thereof, his consent shall not be requisite for the making of leases thereof by the tenant for life, provided the leases are made at the best rent that can reasonably be obtained, without fine, and in other respects are in conformity with this Act.

(4.) This section extends to assignments made or coming into operation before or after and to acts done before or after the commencement of this Act; and in this section assignment includes assignment by way of mortgage, and any partial or qualified assignment, and any charge or incumbrance; and assignee has a meaning corresponding with that of assignment.

51. *Prohibition or limitation against exercise of powers, void.* (1.) If in a settlement, will, assurance, or other instrument executed or made before or after, or partly before and partly after, the commencement of this Act a provision is inserted purporting or attempting, by way of direction, declaration, or otherwise, to forbid a tenant for life to exercise any power under this Act, or attempting, or tending, or intended, by a limitation, gift, or disposition over of settled land, or by a limitation, gift, or disposition of other real or any personal property, or by the imposition of any condition, or by forfeiture, or in any other manner whatever, to prohibit or prevent him from exercising, or to induce him to abstain from exercising, or to put him into a position inconsistent with his exercising, any power under this Act, that provision, as far as it purports, or attempts, or tends, or is intended to have, or would or might have, the operation aforesaid, shall be deemed to be void.

(2.) For the purposes of this section an estate or interest limited to continue so long only as a person abstains from exercising any power shall be and



take effect as an estate or interest to continue for the period for which it would continue if that person were to abstain from exercising the power, discharged from liability to determination or ceasing by or on his exercising the same.

52. *Provision against forfeiture.* Notwithstanding anything in a settlement, the exercise by a tenant for life of any power under this Act shall not occasion a forfeiture.

53. *Tenant for life trustee for all parties interested.* A tenant for life shall, in exercising any power under this Act, have regard to the interests of all parties entitled under the settlement, and shall, in relation to the exercise thereof by him, be deemed to be in the position and to have the duties and liabilities of a trustee for those parties.

54. *General protection of purchasers, &c.* On a sale, exchange, partition, lease, mortgage, or charge, a purchaser, lessee, mortgagee, or other person dealing in good faith with a tenant for life shall, as against all parties entitled under the settlement, be conclusively taken to have given the best price, consideration, or rent as the case may require, that could reasonably be obtained by the tenant for life, and to have complied with all the requisitions of this Act.

55. *Exercise of powers; limitation of provisions, &c.* (1.) Powers and authorities conferred by this Act on a tenant for life or trustees or the Court or the Land Commissioners are exercisable from time to time.

(2.) Where a power of sale, enfranchisement, exchange, partition, leasing, mortgaging, charging, or other power is exercised by a tenant for life, or by the trustees of a settlement, he and they may respectively execute, make, and do all deeds, instruments, and things necessary or proper in that behalf.

(3.) Where any provision in this Act refers to sale, purchase, exchange, partition, leasing, or other dealing, or to any power, consent, payment, receipt, deed, assurance, contract, expenses, act, or transaction, the same shall be construed to extend only (unless it is otherwise expressed) to sales, purchases, exchanges, partitions, leasings, dealings, powers, consents, payments, receipts, deeds, assurances, contracts, expenses, acts, and transactions under this Act.

56. *Saving for other powers.* (1.) Nothing in this Act shall take away, abridge, or prejudicially affect any power for the time being subsisting under a settlement, or by statute or otherwise, exercisable by a tenant for life, or by trustees with his consent, or on his request, or by his direction, or otherwise; and the powers given by this Act are cumulative.

(2.) But, in case of conflict between the provisions of a settlement and the provisions of this Act, relative to any matter in respect whereof the tenant for life exercises or contracts or intends to exercise any power under this Act, the provisions of this Act shall prevail; and, accordingly, notwithstanding anything in the settlement, the consent of the tenant for life shall, by virtue of this Act, be necessary to the exercise by the trustees of the settlement or other person of any power conferred by the settlement exercisable for any purpose provided for in this Act.

(3.) If a question arises, or a doubt is entertained, respecting any matter within this section, the Court may, on the application of the trustees of the settlement, or of the tenant for life, or of any other person interested, give its decision, opinion, advice, or direction thereon.

57. *Additional or larger powers by settlement.* (1.) Nothing in this Act shall preclude a settlor from conferring on the tenant for life, or the trustees of the settlement, any powers additional to or larger than those conferred by this Act.

(2.) Any additional or larger powers so conferred shall, as far as may be, notwithstanding anything in this Act, operate and be exercisable in the like manner, and with all the like incidents, effects, and consequences, as if they were conferred by this Act, unless a contrary intention is expressed in the settlement.

### XIII.—LIMITED OWNERS GENERALLY.

58. *Enumeration of other limited owners, to have powers of tenant for life.* (1.) Each person as follows shall, when the estate or interest of each of them is in possession, have the powers of a tenant for life under this Act, as if each of them were a tenant for life as defined in this Act (namely):

(i.) A tenant in tail, including a tenant in tail who is by Act of Parliament restrained from barring or defeating his estate tail, and although the reversion is in the Crown, and so that the exercise by him of his powers under this Act shall bind the Crown, but not including such a tenant in tail where the land in respect whereof he is so restrained was purchased with money provided by Parliament in consideration of public services;

(ii.) A tenant in fee simple, with an executory limitation, gift, or disposition over, on failure of his issue, or in any other event;

(iii.) A person entitled to a base fee, although the reversion is in the Crown, and so that the exercise by him of his powers under this Act shall bind the Crown;

(iv.) A tenant for years determinable on life, not holding merely under a lease at a rent;

(v.) A tenant for life of another, not holding merely under a lease at a rent;

(vi.) A tenant for his own or any other life, or for years determinable on life, whose estate is liable to cease in any event during that life, whether by expiration of the estate, or by conditional limitation, or otherwise, or to be defeated by an executory limitation, gift, or disposition over, or is subject to a trust for accumulation of income for payment of debts or other purposes;

(vii.) A tenant in tail after possibility of issue extinct;

(viii.) A tenant by the curtesy;

(ix.) A person entitled to the income of land under a trust or direction for payment thereof to him during his own or any other life, whether subject to expenses of management or not, or until the sale of the land, or until forfeiture of his interest therein on bankruptcy or other event.

(2.) In every such case, the provisions of this Act referring to a tenant for life, either as conferring powers on him or otherwise, and to a settlement, and to settled land, shall extend to each of the persons aforesaid, and to the instrument under which his estate or interest arises, and to the land therein comprised.

(3.) In any such case any reference in this Act to death as regards a tenant for life shall, where necessary, be deemed to refer to the determination by death or otherwise of such estate or interest as last aforesaid.

### XIV.—INFANTS; MARRIED WOMEN; LUNATICS.

59. *Infant absolutely entitled to be as tenant for life.* Where a person, who is in his own right seized of or entitled in possession to land, is an infant, then for purposes of this Act the land is settled land, and the infant shall be deemed tenant for life thereof.

60. *Tenant for life, infant.* Where a tenant for life, or a person having the powers of a tenant for life under this Act, is an infant, or an infant would, if he were of full age, be a tenant for life, or have the powers of a tenant for life under this Act, the powers of a tenant for life under this Act may be exercised on his behalf by the trustees of the settlement, and if there are none, then by such person and in such manner as the Court, on the application of a testamentary or other guardian or next friend of the infant, either generally or in a particular instance, orders.

61. *Married woman, how to be affected.* (1.) The foregoing provisions of this Act do not apply in the case of a married woman.

(2.) Where a married woman who, if she had not been a married woman, would have been a tenant for life or would have had the powers of a tenant for life under the foregoing provisions of this Act, is entitled for her separate use, or is entitled under any statute, passed or to be passed, for her separate property, or as a feme sole, then she, without her husband, shall have the powers of a tenant for life under this Act.

(3.) Where she is entitled otherwise than as aforesaid, then she and her husband together shall have the powers of a tenant for life under this Act.

(4.) The provisions of this Act referring to a tenant for life and a settlement and settled land shall extend to the married woman without her husband, or to her and her husband together, as the case may require, and to the instrument under which her estate or interest arises, and to the land therein comprised.

(5.) The married woman may execute, make, and do all deeds, instruments, and things necessary or proper for giving effect to the provisions of this section.

(6.) A restraint on anticipation in the settlement shall not prevent the exercise by her of any power under this Act.

62. *Tenant for life, lunatic.* Where a tenant for life, or a person having the powers of a tenant for life under this Act, is a lunatic, to be found by inquiry, the committee of his estate may, in his name and on his behalf, under an order of the Lord Chancellor, or other person intrusted by virtue of the Queen's Sign Manual with the care and commitment of the custody of the persons and estates of lunatics, exercise the powers of a tenant for life under this Act; and the order may be made on the petition of any person interested in the settled land, or of the committee of the estate.

### XV.—SETTLEMENT BY WAY OF TRUSTS FOR SALE.

63. *Provision for case of trust to sell and re-invest in land.* (1.) Any land, or any estate or interest in land, which under or by virtue of any deed, will, or agreement, covenant to surrender, copy of court roll, Act of Parliament, or other instrument or any number of instruments, whether made or passed before or after, or partly before and partly after, the commencement of this Act, is subject to a trust or direction for sale of that land, estate, or interest, and for the application or disposal of the money to arise from the sale, or the income of that money, or the income of the land until sale, or any part of that money or income, for the benefit of any person for his life, or any other limited period, or for the benefit of two or more persons concurrently for any limited period, and whether absolutely, or subject to a trust for accumulation of income for payment of debts or other purpose, or to any other restriction, shall be deemed to be settled land, and the instrument or instruments under which the trust arises shall be deemed to be a settlement; and the person for the time being beneficially entitled to the income of the land, estate, or interest aforesaid until sale, whether absolutely or subject as aforesaid, shall be deemed to be tenant for life thereof; or if two or more persons are so entitled concurrently, then those persons shall be deemed to constitute together the tenant for life thereof; and the persons, if any, who are for the time being under the settlement trustees for sale of the settled land, or having power of consent to, or approval of, or control over the sale, or if under the settlement there are no such trustees, then the persons, if any, for the time being, who are by the settlement declared to be trustees thereof for purposes of this Act are for purposes of this Act trustees of the settlement.

(2.) In every such case the provisions of this Act referring to a tenant for life, and to a settlement, and to settled land, shall extend to the person or persons aforesaid, and to the instrument or instruments under which his or their estate or interest arises, and to the land therein comprised, subject and except as in this section provided (that is to say):

(i.) Any reference in this Act to the predecessors or successors in title of the tenant for life, or to the remaindermen, or reversioners or other persons interested in the settled land, shall be deemed to refer to the persons interested in succession or otherwise in the money to arise from sale of the land, or the income of that money, or the income of the land, until sale (as the case may require).

(ii.) Capital money arising under this Act from the settled land shall not be applied in the purchase of land unless such application is authorised by the settlement in the case of capital money arising thereunder from sales or other dispositions of the settled land, but may, in addition to any other mode of application authorised by this Act, be applied in any mode in which capital money arising under the settlement from any such sale or other disposition is applicable thereunder, subject to any consent required or direction given by the settlement with respect to the application of trust money of the settlement.

(iii.) Capital money arising under this Act from the settled land and the securities in which the same is invested, shall not for any purpose of disposition, transmission, or devolution.

tion, be considered as land unless the same would, if arising under the settlement from a sale or disposition of the settled land, have been so considered, and the same shall be held in trust for and shall go to the same persons successively in the same manner, and for and on the same estates, interests, and trusts as the same would have gone and been held if arising under the settlement from a sale or disposition of the settled land, and the income of such capital money and securities shall be paid or applied accordingly.

- (iv.) Land of whatever tenure acquired under this Act by purchase, or in exchange, or on partition, shall be conveyed to and vested in the trustees of the settlement, on the trusts, and subject to the powers and provisions which, under the settlement or by reason of the exercise of any power of appointment or charging therein contained, are subsisting with respect to the settled land, or would be so subsisting if the same had not been sold, or as near thereto as circumstances permit, but so as not to increase or multiply charges or powers of charging.

#### XVI.—REPEALS.

64. *Repeal of enactments in schedule.* (1.) The enactments described in the schedule to this Act are hereby repealed.

(2.) The repeal by this Act of any enactment shall not affect any right accrued or obligation incurred thereunder before the commencement of this Act; nor shall the same affect the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of anything done or suffered, or of any order made, before the commencement of this Act; nor shall the same affect any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this Act.

#### XVII.—IRELAND.

65. *Modifications respecting Ireland.* (1.) In the application of this Act to Ireland the foregoing provisions shall be modified as in this section provided.

(2.) The Court shall be Her Majesty's High Court of Justice in Ireland.

(3.) All matters within the jurisdiction of that Court shall, subject to the Acts regulating that Court, be assigned to the Chancery Division of that Court; but General Rules under this Act for Ireland may direct that these matters or any of them be assigned to the Land Judges of that Division.

(4.) Any deed enrolled under this Act shall be enrolled in the Record and Writ Office of that Division.

(5.) General Rules for purposes of this Act for Ireland shall be deemed Rules of Court within the Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, at any time after the passing of this Act, to take effect on or after the commencement of this Act.

(6.) The several Civil Bill Courts in Ireland shall, in addition to the jurisdiction possessed by them independently of this Act, have and exercise the power and authority exercisable by the Court under this Act, in all proceedings where the property, the subject of the proceedings, does not exceed in capital value five hundred pounds, or in annual value thirty pounds.

(7.) The provisions of Part II. of the County Officers and Courts (Ireland) Act, 1877, relative to the equitable jurisdiction of the Civil Bill Courts, shall apply to the jurisdiction exercisable by those Courts under this Act.

(8.) Rules and Orders for purposes of this Act, as far as it relates to the Civil Bill Courts, may be made at any time after the passing of this Act, to take effect on or after the commencement of this Act, in manner prescribed by section seventy-nine of the County Officers and Courts (Ireland) Act, 1877.

(9.) The Commissioners of Public Works in Ireland shall be substituted for the Land Commissioners.

(10.) The term for which a lease other than a building or mining lease may be granted shall be not exceeding thirty-five years.

#### The SCHEDULE. REPEALS.

23 & 24 Vict.  
c. 145.  
in part.

An Act to give to trustees, mortgagees, and others, certain powers now commonly inserted in settlements, mortgages, and wills } in part; namely—

#### Parts I. and IV.

(being so much of the Act as is not repealed by the Conveyancing and Law of Property Act, 1881).

27 & 28 Vict.  
c. 114.  
in part.

The Improvement of Land Act, 1864 } in part; namely—

Sections seventeen and eighteen :  
Section twenty-one, from "either by a party" to "benefice" or " (inclusive); and from "or if the land owner" to "minor or minors" (inclusive); and "or circumstances" (twice) :  
Except as regards Scotland.

40 & 41 Vict.  
c. 18.  
in part.

The Settled Estates Act, 1877 } in part; namely—  
Section seventeen.

#### CAP. XXXIX.

An Act for further improving the Practice of Conveyancing; and for other purposes.

[10th August 1882.]

Be it enacted, &c. :

#### Preliminary.

1. *Short titles; commencement; extent; interpretation.* (1.) This Act may be cited as the Conveyancing Act, 1882; and the Conveyancing and Law of Property Act, 1881 (in this Act referred to as the Conveyancing Act of 1881), and this Act may be cited together as the Conveyancing Acts, 1881, 1882.

(2.) This Act, except where it is otherwise expressed, shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and eighty-two, which time is in this Act referred to as the commencement of this Act.

(3.) This Act does not extend to Scotland.

(4.) In this Act and in the Schedule thereto—

(i.) Property includes real and personal property, and any debt, and any thing in action, and any other right or interest in the nature of property, whether in possession or not;

(ii.) Purchaser includes a lessee or mortgagee, or an intending purchaser, lessee, or mortgagee, or other person, who, for valuable consideration, takes or deals for property, and purchase has a meaning corresponding with that of purchaser;

(iii.) The Act of the session of the third and fourth years of King William the Fourth (chapter seventy-four) "for the abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance" is referred to as the Fines and Recoveries Act; and the Act of the session of the fourth and fifth years of King William the Fourth (chapter ninety-two) "for the abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance in Ireland" is referred to as the Fines and Recoveries (Ireland) Act.

#### Searches.

2. *Official negative and other certificates of searches for judgments, Crown debts, &c.* (1.) Where any person requires, for the purposes of this section, search to be made in the Central Office of the Supreme Court of Judicature for entries of judgments, deeds, or other matters or documents, whereof entries are required or allowed to be made in that office by any Act described in Part I. of the First Schedule to the Conveyancing Act of 1881, or by any other Act, he may deliver in the office a requisition in that behalf, referring to this section.

(2.) Thereupon the proper officer shall diligently

make the search required, and shall make and file in the office a certificate setting forth the result thereof; and office copies of the certificate shall be issued on requisition, and an office copy shall be evidence of the certificate.

(3.) In favour of a purchaser, as against persons interested under or in respect of judgments, deeds, or other matters or documents, whereof entries are required or allowed, as aforesaid, the certificate, according to the tenor thereof, shall be conclusive, affirmatively or negatively, as the case may be.

(4.) Every requisition under this section shall be in writing, signed by the person making the same, specifying the name against which he desires search to be made, or in relation to which he requires an office copy certificate of result of search, and other sufficient particulars; and the person making any such requisition shall not be entitled to a search, or an office copy certificate, until he has satisfied the proper officer that the same is required for the purposes of this section.

(5.) General Rules shall be made for purposes of this section, prescribing forms and contents of requisitions and certificates, and regulating the practice of the office, and prescribing, with the concurrence of the Commissioners of Her Majesty's Treasury, the fees to be taken therein; which Rules shall be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, as altered by section nineteen of the Supreme Court of Judicature Act, 1881, and may be made, at any time after the passing of this Act, to take effect on or after the commencement of this Act.

(6.) If any officer, clerk, or person employed in the office commits, or is party or privy to, any act of fraud or collusion, or is wilfully negligent, in the making of or otherwise in relation to any certificate or office copy under this section, he shall be guilty of a misdemeanour.

(7.) Nothing in this section or in any Rule made thereunder shall take away, abridge, or prejudicially affect any right which any person may have independently of this section to make any search in the office; and every such search may be made as if this section or any such Rule had not been enacted or made.

(8.) Where a solicitor obtains an office copy certificate of result and of search under this section, he shall not be answerable in respect of any loss that may arise from error in the certificate.

(9.) Where the solicitor is acting for trustees, executors, agents, or other persons in a fiduciary position, those persons also shall not be so answerable.

(10.) Where such persons obtain such an office copy without a solicitor, they shall also be protected in like manner.

(11.) Nothing in this section applies to deeds enrolled under the Fines and Recoveries Act, or under any other Act, or under any statutory Rule.

(12.) This section does not extend to Ireland.

#### Notice.

3. *Restriction on constructive notice.* (1.) A purchaser shall not be prejudicially affected by notice of any instrument, fact, or thing unless—

(i.) It is within his own knowledge, or would have come to his knowledge if such inquiries and inspections had been made as ought reasonably to have been made by him; or

(ii.) In the same transaction with respect to which a question of notice to the purchaser arises, it has come to the knowledge of his counsel, as such, or of his solicitor, or other agent, as such, or would have come to the knowledge of his solicitor, or other agent, as such, if such inquiries and inspections had been made as ought reasonably to have been made by the solicitor or other agent.

(2.) This section shall not exempt a purchaser from any liability under, or any obligation to perform or observe, any covenant, condition, provision, or restriction contained in any instrument under which his title is derived, mediately or immediately; and such liability or obligation may be enforced in the same manner and to the same extent as if this section had not been enacted.

(3.) A purchaser shall not be affected by anything in this section by notice in any case where he would not have been so affected if this section had not been enacted.

(4.) This section applies to purchases made either



before or after the commencement of this Act; save that, where an action is pending at the commencement of this Act, the rights of the parties shall not be affected by this section.

*Leases.*

4. *Contract for lease not part of title to lease.* (1.) Where a lease is made under a power contained in a settlement, will, Act of Parliament, or other instrument, any preliminary contract for or relating to the lease shall not, for the purpose of the deduction of title to an intended assign, form part of the title, or evidence of the title, to the lease.

(2.) This section applies to leases made either before or after the commencement of this Act.

*Separate Trustees.*

5. *Appointment of separate sets of trustees.* (1.) On an appointment of new trustees, a separate set of trustees may be appointed for any part of the trust property held on trust distinct from those relating to any other part or parts of the trust property; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for the first-mentioned part.

(2.) This section applies to trusts created either before or after the commencement of this Act.

*Powers.*

6. *Disclaimer of power by trustees.* (1.) A person to whom any power, whether coupled with an interest or not, is given, may, by deed, disclaim the power; and after disclaimer, shall not be capable of exercising or joining in the exercise of the power.

(2.) On such disclaimer, the power may be exercised by the other or others, or the survivors or survivor of the others, of the persons to whom the power is given, unless the contrary is expressed in the instrument creating the power.

(3.) This section applies to powers created by instruments coming into operation either before or after the commencement of this Act.

*Married Women.*

7. *Acknowledgment of deeds by married women.* (1.) In section seventy-nine of the Fines and Recoveries Act, and section seventy of the Fines and Recoveries (Ireland) Act, there shall, by virtue of this Act, be substituted for the words "two of the perpetual commissioners, or two special commissioners," the words "one of the perpetual commissioners, or one special commissioner;" and in section eighty-three of the Fines and Recoveries Act, and section seventy-four of the Fines and Recoveries (Ireland) Act, there shall, by virtue of this Act, be substituted for the word "persons" the word "person," and for the word "commissioners" the words "a commissioner;" and all other provisions of those Acts, and all other enactments having reference in any manner to the sections aforesaid, shall be read and have effect accordingly.

(2.) Where the memorandum of acknowledgment by a married woman of a deed purports to be signed by a person authorised to take the acknowledgment, the deed shall, as regards the execution thereof by the married woman, take effect at the time of acknowledgment, and shall be conclusively taken to have been duly acknowledged.

(3.) A deed acknowledged before or after the commencement of this Act by a married woman, before a judge of the High Court of Justice in England or Ireland, or before a judge of a county court in England, or before a chairman in Ireland, or before a perpetual commissioner or a special commissioner, shall not be impeached or impeachable by reason only that such judge, chairman, or commissioner was interested or concerned either as a party, or as solicitor, or clerk to the solicitor for one of the parties, or otherwise, in the transaction giving occasion for the acknowledgment; and General Rules shall be made for preventing any person interested or concerned as aforesaid from taking an acknowledgment; but no such Rule shall make invalid any acknowledgment; and those Rules shall, as regards England, be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, as altered by section nineteen of the Supreme Court of Judicature Act, 1881, and shall, as regards Ireland, be deemed Rules of

Court within the Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, for England and Ireland respectively, at any time after the passing of this Act, to take effect on or after the commencement of this Act.

(4.) The enactments described in the Schedule to this Act are hereby repealed.

(5.) The foregoing provisions of this section, including the repeal therein, apply only to the execution of deeds by married women after the commencement of this Act.

(6.) Notwithstanding the repeal or any other thing in this section, the certificate, if not lodged before the commencement of this Act, of the taking of an acknowledgment by a married woman of a deed executed before the commencement of this Act, with any affidavit relating thereto, shall be lodged, examined, and filed in the like manner and with the like effects and consequences as if this section had not been enacted.

(7.) There shall continue to be kept in the proper office of the Supreme Court of Judicature an index to all certificates of acknowledgments of deeds by married women lodged therein, before or after the commencement of this Act, containing the names of the married women and their husbands, alphabetically arranged, and the dates of the certificates and of the deeds to which they respectively relate, and other particulars found convenient; and every such certificate lodged after the commencement of this Act shall be entered in the index as soon as may be after the certificate is filed.

(8.) An office copy of any such certificate filed before or after the commencement of this Act shall be delivered to any person applying for the same; and every such office copy shall be received as evidence of the acknowledgment of the deed to which the certificate refers.

*Powers of Attorney.*

8. *Effect of power of attorney, for value, made absolutely irrevocable.* (1.) If a power of attorney, given for valuable consideration, is in the instrument creating the power expressed to be irrevocable, then, in favour of a purchaser,—

(i.) The power shall not be revoked at any time, either by anything done by the donor of the power, without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power; and

(ii.) Any act done at any time by the donee of the power, in pursuance of the power, shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened; and

(iii.) Neither the donee of the power nor the purchaser shall at any time be prejudicially affected by notice of anything done by the donor of the power, without the concurrence of the donee of the power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power.

(2.) This section applies only to powers of attorney created by instruments executed after the commencement of this Act.

9. *Effect of power of attorney, for value or not, made irrevocable for fixed time.* (1.) If a power of attorney, whether given for valuable consideration or not, is in the instrument creating the power expressed to be irrevocable for a fixed time therein specified, not exceeding one year from the date of the instrument, then, in favour of a purchaser,—

(i.) The power shall not be revoked, for and during that fixed time, either by anything done by the donor of the power, without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power; and

(ii.) Any act done within that fixed time, by the donee of the power, in pursuance of the power, shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened; and

(iii.) Neither the donee of the power, nor the purchaser, shall at any time be prejudicially affected by notice either during or after that fixed time of anything done by the donor of the power during that fixed time, without the concurrence of the donee of the

power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power within that fixed time.

(2.) This section applies only to powers of attorney created by instruments executed after the commencement of this Act.

*Executory Limitations.*

10. *Restriction on executory limitations.* (1.) Where there is a person entitled to land for an estate in fee, or for a term of years absolute or determinable on life, or for term of life, with an executory limitation over on default or failure of all or any of his issue, whether within or at any specified period or time or not, that executory limitation shall be or become void and incapable of taking effect, if and as soon as there is living any issue who has attained the age of twenty-one years, of the class on default or failure whereof the limitation over was to take effect.

(2.) This section applies only where the executory limitation is contained in an instrument coming into operation after the commencement of this Act.

*Long Terms.*

11. *Amendment of enactment respecting long terms.* Section sixty-five of the Conveyancing Act of 1881 shall apply to and include, and shall be deemed to have always applied to and included, every such term as in that section mentioned, whether having as the immediate reversion thereon the freehold or not; but not—

(i.) Any term liable to be determined by re-entry for condition broken; or

(ii.) Any term created by sub-demise out of a superior term, itself incapable of being enlarged into a fee simple.

*Mortgages.*

12. *Re-conveyance on mortgage.* The right of the mortgagor, under section fifteen of the Conveyancing Act of 1881, to require a mortgagee, instead of re-conveying, to assign the mortgage debt and convey the mortgaged property to a third person, shall belong to and be capable of being enforced by each incumbrancer, or by the mortgagor, notwithstanding any intermediate incumbrance; but a requisition of an incumbrancer shall prevail over a requisition of the mortgagor, and, as between incumbrancers, a requisition of a prior incumbrancer shall prevail over a requisition of a subsequent incumbrancer.

*Saving.*

13. *Restriction on repeals in this Act.* The repeal by this Act of any enactment shall not affect any right accrued or obligation incurred thereunder before the commencement of this Act; nor shall the same affect the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of anything done or suffered, before the commencement of this Act; nor shall the same affect any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this Act.

**SCHEDULE.**

**REPEALS.**

3 & 4 Will. 4 c. 74. in part.	The Fines and Recoveries Act - - - in part; namely,— Section eighty-four, from and including the words "and the same judge," to the end of that section. Sections eighty-five to eighty-eight, inclusive.
4 & 5 Will. 4 c. 92. in part.	The Fines and Recoveries (Ireland) Act - - - in part; namely,— Section seventy-five, from and including the words "and the same judge," to the end of that section. Sections seventy-six to seventy-nine, inclusive.
17 & 18 Vict. c. 75.	An Act to remove doubts concerning the due acknowledgments of deeds by married women in certain cases.
41 & 42 Vict. c. 23.	The Acknowledgment of Deeds by Married Women (Ireland) Act, 1876.

## CAP. XL.

An Act to amend the law of Copyright relating to Musical Compositions. [10th August 1882.]

Whereas it is expedient to amend the law relating to copyright in musical compositions, and to protect the public from vexatious proceedings for the recovery of penalties for the unauthorised performance of the same:

Be it therefore enacted, &c.:

1. *Printed notice restraining public performance.* On and after the passing of this Act the proprietor of the copyright in any musical composition first published after the passing of this Act, or his assignee, who shall be entitled to and be desirous of retaining in his own hands exclusively the right of public representation or performance of the same, shall print or cause to be printed upon the title-page of every published copy of such musical composition a notice to the effect that the right of public representation or performance is reserved.

2. *Provision when right of performance and copyright are vested in different owners.* In case, after the passing of this Act, the right of public representation or performance of, and the copyright in any musical composition shall be or become vested before publication of any copy thereof in different owners, then, if the owner of the right of public representation or performance shall desire to retain the same, he shall, before any such publication of any copy of such musical composition, give to the owner of the copyright therein notice in writing requiring him to print upon every copy of such musical composition a notice to the effect that the right of public representation or performance is reserved; but in case the right of public representation or performance of, and the copyright in, any musical composition shall, after publication of any copy thereof, subsequently to the passing of this Act, first become vested in different owners, and such notice as aforesaid shall have been duly printed on all copies published after the passing of this Act previously to such vesting, then, if the owner of the right of performance and representation shall desire to retain the same, he shall, before the publication of any further copies of such musical composition, give notice in writing to the person in whom the copyright shall be then vested, requiring him to print such notice as aforesaid on every copy of such musical composition to be thereafter published.

3. *Penalty on owner of copyright for non-compliance with notice from owner of right of performance.* If the owner for the time being of the copyright in any musical composition shall, after due notice being given to him or his predecessor in title at the time, and generally in accordance with the last preceding section, neglect or fail to print legibly and conspicuously upon every copy of such composition published by him or by his authority, or by any person lawfully entitled to publish the same, and claiming through or under him, a note or memorandum stating that the right of public representation or performance is reserved, then and in such case the owner of the copyright at the time of the happening of such neglect or default, shall forfeit and pay to the owner of the right of public representation or performance of such composition the sum of twenty pounds, to be recovered in any court of competent jurisdiction.

4. *Costs.* Notwithstanding the provisions of the Act passed in the third and fourth years of His Majesty King William the Fourth, to amend the laws relating to dramatic literary property, or any other Act in which those provisions are incorporated, the costs of any action or proceedings for penalties or damages in respect of the unauthorised representation or performance of any musical composition published before the passing of this Act shall, in cases in which the plaintiff shall not recover more than forty shillings as penalty or damages, be in the discretion of the court or judge before whom such action or proceedings shall be tried.

5. *Short title.* This Act may be cited as the Copyright (Musical Compositions) Act, 1882.

## CAP. XLII.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. [10th August 1882.]

## CAP. XLIII.

An Act to amend the Law relating to Civil Imprisonment in Scotland. [18th August 1882.]

## CAP. XLIII.

An Act to amend the Bills of Sale Act, 1878. [18th August 1882.]

Whereas it is expedient to amend the Bills of Sale Act, 1878:

Be it enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as the Bills of Sale Act (1878) Amendment Act, 1882; and this Act and the Bills of Sale Act, 1878, may be cited together as the Bills of Sale Acts, 1878 and 1882.

2. *Commencement of Act.* This Act shall come into operation on the first day of November one thousand eight hundred and eighty-two, which date is herein-after referred to as the commencement of this Act.

3. *Construction of Act.* The Bills of Sale Act, 1878, is herein-after referred to as "the principal Act," and this Act shall, so far as is consistent with the tenor thereof, be construed as one with the principal Act; but unless the context otherwise requires shall not apply to any bill of sale duly registered before the commencement of this Act so long as the registration thereof is not avoided by non-renewal or otherwise.

The expression "bill of sale," and other expressions in this Act, have the same meaning as in the principal Act, except as to bills of sale of other documents mentioned in section four of the principal Act, which may be given otherwise than by way of security for the payment of money, to which last-mentioned bills of sale and other documents this Act shall not apply.

4. *Bill of sale to have schedule of property attached thereto.* Every bill of sale shall have annexed thereto or written thereon a schedule containing an inventory of the personal chattels comprised in the bill of sale; and such bill of sale, save as herein-after mentioned, shall have effect only in respect of the personal chattels specifically described in the said schedule; and shall be void, except as against the grantor, in respect of any personal chattels not so specifically described.

5. *Bill of sale not to affect after-acquired property.* Save as herein-after mentioned, a bill of sale shall be void, except as against the grantor, in respect of any personal chattels specifically described in the schedule thereto of which the grantor was not the true owner at the time of the execution of the bill of sale.

6. *Exception as to certain things.* Nothing contained in the foregoing sections of this Act shall render a bill of sale void in respect of any of the following things; (that is to say),

- (1) Any growing crops separately assigned or charged where such crops were actually growing at the time when the bill of sale was executed.
- (2) Any fixtures separately assigned or charged, and any plant, or trade machinery where such fixtures, plant, or trade machinery are used in, attached to, or brought upon any land, farm, factory, workshop, shop, house, warehouse, or other place in substitution for any of the like fixtures, plant, or trade machinery specifically described in the schedule to such bill of sale.

7. *Bill of sale with power to seize except in certain events to be void.* Personal chattels assigned under a bill of sale shall not be liable to be seized or taken possession of by the grantee for any other than the following causes:—

- (1) If the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment, or in the performance of any covenant or agreement contained in the bill of sale and necessary for maintaining the security;
- (2) If the grantor shall become a bankrupt or suffer the said goods or any of them to be distrained for rent, rates, or taxes;
- (3) If the grantor shall fraudulently either remove or suffer the said goods, or any of them, to be removed from the premises;
- (4) If the grantor shall not, without reasonable excuse, upon demand in writing by the grantee,

produce to him his last receipts for rent, rates, and taxes;

- (5.) If execution shall have been levied against the goods of the grantor under any judgment at law:

Provided that the grantor may within five days from the seizure or taking possession of any chattels on account of any of the above-mentioned causes, apply to the High Court, or to a judge thereof in chambers, and such court or judge, if satisfied that by payment of money or otherwise the said cause of seizure no longer exists, may restrain the grantee from removing or selling the said chattels, or may make such other order as may seem just.

8. *Bill of sale to be void unless attested and registered.* Every bill of sale shall be duly attested and shall be registered under the principal Act within seven clear days after the execution thereof, or if it is executed in any place out of England, then within seven clear days after the time at which it would, in the ordinary course of post, arrive in England, if posted immediately after the execution thereof; and shall truly set forth the consideration for which it was given; otherwise such bill of sale shall be void in respect of the personal chattels comprised therein.

9. *Form of bill of sale.* A bill of sale made or given by way of security for the payment of money by the grantor thereof shall be void unless made in accordance with the form in the schedule to this Act annexed.

10. *Attestation.* The execution of every bill of sale by the grantor shall be attested by one or more credible witness or witnesses, not being a party or parties thereto. So much of section ten of the principal Act as requires that the execution of every bill of sale shall be attested by a solicitor of the Supreme Court, and that the attestation shall state that before the execution of the bill of sale the effect thereof has been explained to the grantor by the attesting witness, is hereby repealed.

11. *Local registration of contents of bills of sale.* Where the affidavit (which under section ten of the principal Act is required to accompany a bill of sale when presented for registration) describes the residence of the person making or giving the same or of the person against whom the process is issued to be in some place outside the London bankruptcy district as defined by the Bankruptcy Act, 1863, or where the bill of sale describes the chattels enumerated therein as being in some place outside the said London bankruptcy district, the registrar under the principal Act shall forthwith and within three clear days after registration in the principal registry, and in accordance with the prescribed directions, transmit an abstract in the prescribed form of the contents of such bill of sale to the county court registrar in whose district such places are situate, and if such places are in the districts of different registrars to each such registrar.

Every abstract so transmitted shall be filed, kept, and indexed by the registrar of the county court in the prescribed manner, and any person may search, inspect, make extracts from, and obtain copies of the abstract so registered in the like manner and upon the like terms as to payment or otherwise as bear as may be as in the case of bills of sale registered by the registrar under the principal Act.

12. *Bill of sale under £30 to be void.* Every bill of sale made or given in consideration of any sum under thirty pounds shall be void.

13. *Chattels not to be removed or sold.* All personal chattels seized or of which possession is taken after the commencement of this Act, under or by virtue of any bill of sale (whether registered before or after the commencement of this Act), shall remain on the premises where they were so seized or so taken possession of, and shall not be removed or sold until after the expiration of five clear days from the day they were so seized or so taken possession of.

14. *Bill of sale not to protect chattels against poor and parochial rates.* A bill of sale to which this Act applies shall be no protection in respect of personal chattels included in such bill of sale, which but for such bill of sale would have been liable to distress under a warrant for the recovery of taxes, and poor and other parochial rates.

15. *Repeal of part of Bills of Sale Act, 1878.* The eighth and the twentieth sections of the principal Act, and also all other enactments contained in the principal Act which are inconsistent with this Act are re-



pealed, but this repeal shall not affect the validity of anything done or suffered under the principal Act before the commencement of this Act.

16. *Inspection of registered bills of sale.* So much of the sixteenth section of the principal Act as enacts that any person shall be entitled at all reasonable times to search the register and every registered bill of sale upon payment of one shilling for every copy of a bill of sale inspected is hereby repealed, and from and after the commencement of this Act any person shall be entitled at all reasonable times to search the register, on payment of a fee of one shilling, or such other fee as may be prescribed, and subject to such regulations as may be prescribed, and shall be entitled at all reasonable times to inspect, examine, and make extracts from any and every registered bill of sale without being required to make a written application, or to specify any particulars in reference thereto, upon payment of one shilling for each bill of sale inspected, and such payment shall be made by a judicial stamp: Provided that the said extracts shall be limited to the dates of execution, registration, renewal of registration, and satisfaction, to the names, addresses, and occupations of the parties, to the amount of the consideration, and to any further prescribed particulars.

17. *Debentures to which Act not to apply.* Nothing in this Act shall apply to any debentures issued by any mortgage, loan, or other incorporated company, and secured upon the capital stock or goods, chattels and effects of such company.

18. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

# SCHEDULE.

## FORM OF BILL OF SALE.

This Indenture made the \_\_\_\_\_ day of \_\_\_\_\_ between A.B. of \_\_\_\_\_ of the one part, and C.D. of \_\_\_\_\_ of the other part, witnesseth that in consideration of the sum of £ \_\_\_\_\_ now paid to A.B. by C.D., the receipt of which the said A.B. hereby acknowledges [or whatever else the consideration may be], he the said A.B. doth hereby assign unto C.D., his executors, administrators, and assigns, all and singular the several chattels and things specifically described in the schedule hereto annexed by way of security for the payment of the sum of £ \_\_\_\_\_, and interest thereon at the rate of \_\_\_\_\_ per cent. per annum [or whatever else may be the rate]. And the said A.B. doth further agree and declare that he will duly pay to the said C.D. the principal sum aforesaid, together with the interest then due, by equal payments of £ \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ [or whatever else may be the stipulated times or times of payment]. And the said A.B. doth also agree with the said C.D. that he will [here insert terms as to insurance, payment of rent, or otherwise, which the parties may agree to for the maintenance or defence of the security].

Provided always, that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said C.D. for any cause other than those specified in section seven of the Bills of Sale Act (1878) Amendment Act, 1882.

In witness, &c.

Signed and sealed by the said A.B. in the presence of me E.F. [add witness' name, address, and description].

# CAP. XLIV.

An Act to authorise the Commutation of a portion of a Pension in pursuance of the Pensions Commutation Act, 1871.

[18th August 1882.]

Whereas by the Pensions Commutation Act, 1871, the Treasury are authorised, on the application of any person to whom that Act applies, to commute his pension in the manner provided by that Act; and in accordance with the regulations from time to time made by the Treasury:

And whereas doubts have arisen as to the power of the Treasury under the said Act to commute a portion of a pension, and it is expedient to remove such doubts:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Pensions Commutation Act, 1882.

2. This Act and the Pensions Commutation Acts,

1871 and 1876, may be cited as the Pensions Commutation Acts, 1871 to 1882.

3. *Power to commute a portion of a pension under 34 & 35 Vict. c. 36.* Where the Treasury have power, in pursuance of the Pensions Commutation Act, 1871, to commute the pension of any person, the Treasury shall also have power to commute a portion of such pension, and the provisions of the Pensions Commutation Acts, 1871 and 1876, shall apply accordingly to the portion of the pension in like manner, so nearly as circumstances admit, as they apply to the whole pension.

# CAP. XLV.

An Act to make provision for the transfer of the Assets and Liabilities of the Provident Branch of the Bombay Civil Fund and other funds to the Secretary of State for India in Council.

[18th August 1882.]

# CAP. XLVI.

An Act to amend the Isle of Man (Officers) Act, 1876.

[18th August 1882.]

# CAP. XLVII.

An Act to make provision respecting certain Arrears of Rent in Ireland.

[18th August 1882.]

# CAP. XLVIII.

An Act to consolidate the Acts relating to the Reserve Forces.

[18th August 1882.]

# CAP. XLIX.

An Act to consolidate the Acts relating to the Militia.

[18th August 1882.]

# CAP. L.

An Act for consolidating, with Amendments, enactments relating to Municipal Corporations in England and Wales.

[18th August 1882.]

# CAP. LI.

An Act to extend the Acts relating to the purchase of small Government Annuities and to assuring payments of money on death.

[18th August 1882.]

# CAP. LII.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.

[18th August 1882.]

# CAP. LIII.

An Act to amend the Law of Entail in Scotland.

[18th August 1882.]

# CAP. LIV.

An Act to amend the Artizans and Labourers' Dwellings Acts.

[18th August 1882.]

Be it enacted, &c.:

## Preliminary.

1. *Short title.* This Act may be cited as the Artizans Dwellings Act, 1882.

## PART I.

*Artizans and Labourers Dwellings Improvement Acts, 1875 and 1879.*

2. *Construction of Part I. of Act.* This part of this Act shall be construed as one with the Artizans and Labourers Dwellings Improvement Acts, 1875 and 1879, and those Acts together with this part of this Act may be cited together as the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882.

3. *Amendment of 38 & 39 Vict. c. 36, s. 5, as to the provision of accommodation for the working classes.* Whereas by section five of the Artizans and Labourers Dwellings Improvement Act, 1875, it is provided, amongst other things, that an improvement scheme of a local authority shall provide for the accommoda-

tion of at least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed in suitable dwellings which, unless there are special reasons to the contrary, shall be situate within the limits of the same area or in the vicinity thereof:

And whereas by section four of the Artizans and Labourers Dwellings Improvement Act, 1879, it is provided that the above requirements of section five of the Artizans and Labourers Dwellings Improvement Act, 1875, may, if the confirming authority so authorise, be complied with by the provision of equally convenient accommodation at some place other than within the area or the immediate vicinity of the area comprised in such scheme:

And whereas it is expedient to make further provision respecting such accommodation: Be it therefore enacted as follows:

Where an improvement scheme of a local authority comprises an area situate in the Metropolis or the City of London, the confirming authority shall, without prejudice to the powers conferred on it by the said fourth section of the Artizans and Labourers Dwellings Improvement Act, 1879, be authorised (on the application of the local authority, and on a report being made by the officer conducting the local inquiry directed by the confirming authority that it is expedient having regard to the special circumstances of the locality and to the number of artizans and others belonging to the labouring class dwelling within the area, and being employed within a mile thereof, that a modification should be made) to dispense in the provisional order authorising the scheme altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by their scheme to such extent as he may think expedient, having regard to such special circumstances as aforesaid, but not exceeding one half of the persons so displaced, and where any such improvement scheme comprises an area situate elsewhere than in the Metropolis or the City of London, it shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of those persons of the working class displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the local inquiry may require.

The twelfth section of the Artizans and Labourers Dwellings Improvement Act, 1875, and any other enactment relating to the requirement of the said Act as to the accommodation of the working classes, shall be construed with reference and subject to the modifications made by this Act.

The power by this section given to the confirming authority to dispense altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by their scheme to an extent not exceeding one half of the persons so displaced may (in the case of any scheme which has, before the passing of this Act, been authorised by a confirming Act) upon the application of the local authority be exercised by the confirming authority by an order made at any time within twelve months after the passing of this Act.

4. *Amendment of 38 & 39 Vict. c. 36, s. 19, as to the valuation of land.* Whereas it is expedient to amend section nineteen of the Artizans and Labourers Dwellings Improvement Act, 1875: Be it therefore enacted as follows:

In the estimate of the value of the said lands or interests in the said section in that behalf mentioned any addition to or improvement of the property made after the date of the publication of an advertisement in pursuance of section six of the said Act stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repairs) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands, and the words "and all circumstances affecting such value" in the said section are hereby repealed.

5. *Amendment of schedule to 38 & 39 Vict. c. 36.* There shall be repealed so much of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, as is comprised under the heading "Pro-

ceedings on Arbitration," that is to say, articles numbered (5) to (13) both inclusive, and there shall be substituted therefor the articles contained in the schedule hereto: Provided that such repeal shall not affect anything duly done or suffered under any provision hereby repealed.

6. *Limit of area to be dealt with on official representation.*] Where an official representation made to the Metropolitan Board of Works in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875, relates to not more than ten houses, the Metropolitan Board of Works shall not take any proceedings on such representation, but shall direct the officer making the same to report the case to the local authority as defined by the Artizans and Labourers Dwellings Act, 1868, and it shall be the duty of the local authority to deal with such case in manner provided by the last-mentioned Act, and the Acts amending the same.

## PART II.

7. *Construction of Part II.*] This part of this Act shall be construed as one with the Artizans and Labourers Dwellings Act, 1868, and the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, and those Acts and this part of this Act may be cited together as the Artizans Dwellings Act, 1868 to 1882.

8. *Power to local authority to purchase houses for opening alleys, &c.*] (1.) If in any place to which the Artizans and Labourers Dwellings Act, 1868, applies the officer of health finds that any building, although not in itself unfit for human habitation is so situated that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

- (1) it stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation; or
- (2) it prevents proper measures from being carried into effect for remedying the evils complained of in respect of such other buildings,

in any such case, the officer of health shall make a report to the local authority in writing of the particulars relating to such first-mentioned building (in this Act referred to as "an obstructive building"), stating that in his opinion it is expedient that the obstructive building should be pulled down, and shall deliver the report to the clerk of the local authority.

(2.) The local authority shall refer such report to a surveyor or engineer to report thereon, and to report as to the cost of acquiring the lands on which such obstructive building is erected and of pulling down such building.

(3.) The local authority shall take into consideration the reports of the officer of health and of the surveyor, and if they decide to adopt such reports shall cause copies to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order in writing signed by their clerk either allowing the objections or directing that such obstructive building shall be pulled down, and such order shall be subject to appeal in like manner as an order of the local authority under the Artizans and Labourers Dwellings Act, 1868.

(4.) Where an order of the local authority for pulling down an obstructive building is made under this section and is not appealed against, or if appealed against is confirmed, the local authority shall be deemed to be authorised to purchase the lands on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same; and for the purpose of such purchase the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this Act (subject nevertheless to the provisions of this Act), and for the purposes of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5.) The owner of the lands may within one month

after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

(6.) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided by section seven of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, as amended by this part of this Act.

(7.) Where the owner retains the site or any part thereof section twenty-three of the Artizans and Labourers Dwellings Act, 1868, shall apply to such site.

(8.) Where the lands are purchased by the local authority the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the evils caused by such obstructive building, and may, with the assent of the confirming authority and upon such terms as such authority thinks expedient, permit such portion of the site to be sold as is not required for the purpose of carrying this section into effect.

Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Act, 1875, relating to private improvement expenses and to private improvement rates shall, so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act, and the said provisions shall be deemed to extend to the City of London and to the metropolis, and in the construction of the said provisions, as respects the city of London the Commissioners of Sewers, and as respects the metropolis the Metropolitan Board of Works, shall be deemed to be the urban authority.

If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such apportionment is made, such dispute shall be settled by two justices in manner provided by the Lands Clauses Consolidation Act, 1845, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

9. *Amendment of s. 7 of 42 & 43 Vict. c. 64.*] Section seven of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, shall be construed as if the words "and all circumstances affecting such value" were omitted therefrom.

10. *Expenses of local authority.*] The expenses of the local authority under this part of this Act shall be defrayed in like manner as expenses incurred in pursuance of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.

11. *Amendment of 42 & 43 Vict. c. 64, s. 12, as to enforcement of Act by Metropolitan Board of Works.*] Whereas by section twelve of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, it is provided that in the event of a local authority within the metropolis declining or neglecting for the space of three months after receiving a notice from the Metropolitan Board of Works requiring such local authority to put in force the provisions of the said Act in respect of any premises described in such notice, the Metropolitan Board of Works shall have the powers

therein mentioned, and it is expedient to amend the said section: Be it therefore enacted as follows:

Where an officer of health in pursuance of the Artizans and Labourers Dwellings Act, 1868, has reported any premises as unfit for human habitation, or in pursuance of this part of this Act has reported that the pulling down of any obstructive building would be expedient, the board of guardians in whose union or parish, or the owner of any property in the neighbourhood of which such premises or buildings are situate, may complain to the Metropolitan Board of Works that the local authority have failed to put in force the provisions of the said Acts in respect of such premises or buildings, and the Metropolitan Board of Works may, if they think it expedient so to do, thereupon proceed under section twelve of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, and that section shall apply as if it were enacted in this part of this Act and in terms made applicable to the duties of local authorities under this part of this Act.

## SCHEDULE.

### AMENDMENT OF SCHEDULE TO 33 & 39 VICT. c. 36.

(1.) In lieu of articles eight to thirteen (both inclusive) of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, the following articles shall be substituted; that is to say,

#### *Proceedings on Arbitration.*

(a.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

"I A.B. do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875.

"A.B.

"Made and subscribed in the presence of  
And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanour.

(b.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

- (1.) The appointment of the arbitrator; and
- (2.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same.

(c.) In every case in which compensation is payable under the Artizans and Labourers Dwellings Improvement Act, 1875, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as "a disputed case"), the arbitrator shall ascertain in such manner as he thinks most convenient the amount of compensation demanded by the claimant, and the amount which the local authority may be willing to pay; and after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in this Act mentioned, he shall proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

(d.) The arbitrator shall from time to time give notice to the claimants in disputed cases by causing such notice to be published or otherwise in such manner as he thinks advisable, of a time and place at which the difference between the claimants and the local authority in disputed cases as to the amount of compensation to be paid will be decided by the arbitrator.

(e.) After the arbitrator has arrived at a decision on all the disputed cases brought before him he



shall make an award under his hand and seal, and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

- (f.) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority on or before a day to be named in such notice (such day being not earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim when the abstract shall commence with such conveyance.
- (g.) Any person or local authority dissatisfied with the amount of compensation awarded may, where such amount exceeds one thousand pounds, but not otherwise, appeal in manner provided by article twenty-six of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, and that article shall be construed as if one thousand pounds were therein substituted for five hundred pounds.
- (h.) The costs, charges, and expenses payable by the local authority under article twenty-eight of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, shall not be payable until the amount has been certified by the confirming authority.
- (i.) Notwithstanding anything contained in article twenty-nine of the said schedule, the arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration in any case where he considers that such costs are not properly payable by the local authority.

#### CAP. LV.

An Act to amend the Law with respect to the Charges on and Payments to the Mercantile Marine Fund, and to Expenses of Prosecutions for Offences committed at Sea.

[18th August 1882.]

Whereas with a view to the adjustment of the receipts and expenditure under the Merchant Shipping Acts between the Mercantile Marine Fund and moneys provided by Parliament it is expedient to make the provision herein-after mentioned:

Be it therefore enacted, &c.:

1. *Short title and construction.* This Act may be cited as the Merchant Shipping (Expenses) Act, 1882.

This Act shall be construed as one with the Merchant Shipping Acts, 1854 to 1880 and together with those Acts may be cited as the Merchant Shipping Acts, 1854 to 1882.

2. *Commencement of Act.* This Act (save as in this Act otherwise expressly provided) shall come into operation on the first day of April, one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act.

3. *Charges on Mercantile Marine Fund.* There shall be charged on and payable out of the Mercantile Marine Fund the following sums, so far as they are not paid by any private person:—

- (a.) The salaries of all surveyors and officers appointed, and all expenses incurred in connection with the survey and measurement of ships

under the Merchant Shipping Acts, 1854 to 1876:

- (b.) The salaries and expenses of persons employed under the Passengers Act, 1855, as amended by the Merchant Shipping Act, 1872:
- (c.) The superannuation allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to any of the said surveyors or persons:
- (d.) The expenses of obtaining depositions, reports and returns respecting wrecks and casualties:
- (e.) The allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses declared by any of the Merchant Shipping Acts, 1854 to 1882, to be payable as such expenses, and any contributions to seamen's refuges and hospitals:
- (f.) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the wages and effects of deceased seamen, or on account of the proceeds of wreck:
- (g.) All costs and expenses incurred by the Board of Trade under the Boiler Explosions Act, 1882 (so far as not otherwise provided for), including any remuneration paid in pursuance of section seven of that Act, and any costs and expenses ordered by the court in pursuance of that Act to be paid by the Board of Trade.

4. *Payments to the Mercantile Marine Fund.* There shall be accounted for and paid to the Mercantile Marine Fund—

- (a.) All fees, charges, and expenses payable in respect of the survey or measurement of ships under the Merchant Shipping Acts, 1854 to 1876:
- (b.) All fees and other sums payable in respect of any services performed by any person employed under the authority of the Passengers Act, 1855, as amended by the Merchant Shipping Act, 1872:
- (c.) The net proceeds of wreck which otherwise would be payable into the Exchequer under section four hundred and seventy-five of the Merchant Shipping Act, 1854, as amended by section fifty-three of the Merchant Shipping Act Amendment Act, 1862:
- (d.) The moneys arising from the unclaimed wages and effects of deceased seamen, except where the same are required to be paid as directed by the Accountant General of Her Majesty's navy:
- (e.) All such sums in respect of expenses incurred with respect to distressed seamen and apprentices as are recovered by the Board of Trade under section two hundred and thirteen of the Merchant Shipping Act, 1854, and the enactments amending the same:
- (f.) All costs and expenses ordered by the Court to be paid to the Board of Trade in pursuance of the Boiler Explosions Act, 1882.

All the fees in this section mentioned shall be paid at such times and in such manner as the Board of Trade from time to time direct.

5. *Subsidy out of moneys provided by Parliament to the Mercantile Marine Fund.* There shall be paid to the Mercantile Marine Fund out of moneys provided by Parliament an annual sum of forty thousand pounds, or after the expiration of five years from the commencement of this Act such other sum as may be from time to time determined by the Commissioners of Her Majesty's Treasury, with the concurrence of the Board of Trade, having regard to the receipts and expenditure of the Mercantile Marine Fund under sections three and four of this Act.

6. *Suspension of fees on engagements and discharges under 17 & 18 Vict. c. 104, s. 125.* The Board of Trade may, if they think fit, at any time after the passing of this Act, abolish or suspend the fees payable upon engagements and discharges effected before shipping masters in pursuance of section one hundred and twenty-five of the Merchant Shipping Act, 1854, and in the event of such abolition, or pending such suspension, no deduction shall be made in pursuance of section one hundred and twenty-six of the said Act from the wages of any person engaged or discharged.

7. *Audit of accounts of Mercantile Marine Fund.*

The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall be examined and audited accordingly.

8. *Grant of pension to existing officers.* Where a surveyor appointed under the Merchant Shipping Acts, 1854 to 1876, or a person employed under the Passengers Act, 1855, has in pursuance of section thirty-nine of the Merchant Shipping Act, 1876, received during part of his term of service his salary out of moneys provided by Parliament, his service during the period that his salary was paid out of moneys provided by Parliament, and his service during the period that his salary was paid out of the Mercantile Marine Fund shall be reckoned indifferently as the same service for the purpose of entitling him to any superannuation allowance, gratuity, pension, or other allowance, out of the Mercantile Marine Fund.

9. *Costs of prosecution for offences committed at sea.* Such costs and expenses of and incidental to any prosecution for felony or misdemeanour as are by law payable out of any county or other local rate shall, where such felony or misdemeanour was committed within the jurisdiction of the Admiralty of England, be paid in the same manner and subject to the same regulations as if such felony or misdemeanour had been committed in the county in which the same is heard and determined, or when the same is heard and determined at the Central Criminal Court as if the same had been committed in the county of Middlesex, and all sums properly paid out of any county or other local rate in respect of the said costs and expenses shall be repaid out of moneys provided by Parliament.

The expenses under section two hundred and sixty-eight of the Merchant Shipping Act, 1854, of imprisoning any such offender as therein mentioned, and of conveying him and the witnesses to the United Kingdom, or to such British possession as mentioned in that section, in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament.

10. *Repeal.* The Acts in the Schedule to this Act shall be repealed to the extent in the third column of that Schedule mentioned, without prejudice to anything done or suffered, or any right acquired or accrued in pursuance of the enactments hereby repealed.

#### SCHEDULE.

##### ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this Schedule is inclusive of the word section or other part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
7 Geo. 4. c. 64.	An Act for improving the administration of criminal justice in England.	Section twenty-seven.
4 & 5 Will 4. c. 36.	An Act for establishing a new court for the trial of offences committed in the metropolis and parts adjoining.	Section twenty-two from "and that it shall and may be lawful for any three" to the end of the section.
7 & 8 Vict. c. 2.	An Act for the more speedy trial of offences committed on the high seas.	Section one from "and it shall be lawful for the court to order," to the end of the section.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Section two hundred and two from "and subject to the provision herein-after contained" to the end of the section. Section two hundred and eleven from "out of any moneys applicable" to "for the purpose." Section two hundred and sixty-eight from "and the expense of imprisoning" to the end of the section. Section four hundred and twenty-eight.
39 & 40 Vict. c. 80.	The Merchant Shipping Act, 1876.	Section thirty-nine from the beginning down to "vested in the Board of Trade" and the words "there may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this Act."
40 & 41 Vict. c. 44.	The Superannuation (Marine Fund Officers) Act, 1877.	The whole Act.

## CAP. LVI.

An Act to facilitate and regulate the supply of Electricity for lighting and other purposes in Great Britain and Ireland.

[18th August 1882.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited for all purposes as the Electric Lighting Act, 1882.

2. *Application of Act.*] The provisions of this Act shall apply to every local authority, company, or person who may by this Act or any license or provisional order granted under this Act, or by any special Act to be hereafter passed, be authorised to supply electricity within any area (in this Act referred to as "the undertakers") and to every undertaking so authorised, except so far as may be expressly provided by any such special Act; and every such license, provisional order, and special Act, is in this Act included in the expression "license, order, or special Act."

3. *Granting of licenses authorising the supply of electricity.*] The Board of Trade may from time to time license any local authority as defined by this Act, or any company or person, to supply electricity under this Act for any public or private purposes within any area, subject to the following provisions:

(1.) The consent of every local authority having jurisdiction within the area or any part of the area within which a supply is licensed to be furnished shall be required to the application for a license, which consent such local authority is hereby authorised to give, with such conditions (if any) as, subject to the approval of the Board of Trade, the local authority may prescribe:

(2.) A license shall be for any period not exceeding seven years, but may, at or after the expiration of such license, be renewed from time to time for a like period with such consent as above mentioned upon such terms and conditions as the Board of Trade may determine:

(3.) "Public purposes" shall mean lighting any street or any place belonging to or subject to the control of the local authority, or any church or registered place of worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but shall not include any other purpose to which electricity may be applied:

(4.) "Private purposes" shall include any purposes whatever to which electricity may for the time being be applicable, not being public purposes, except the transmission of any telegram:

(5.) Every local authority, company, or person applying for a license shall publish notice of their application by public advertisement in such manner and including such particulars as the Board of Trade may from time to time direct or approve; and such license shall not be granted by the Board of Trade until after the expiration of a period of three months from the date of the first publication of such advertisement, nor until opportunity has been given to all parties interested to make representations or objections to the Board of Trade with reference to the application:

(6.) No application for a license shall be made by any local authority except in pursuance of a resolution to be passed at a special meeting of the local authority, and such special meeting shall only be held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given:

(7.) A license may, subject to the provisions of this Act, be granted to a local authority authorising them to supply electricity within any area although the same or some part thereof may not be included within their own district:

(8.) The license may make such regulations as to the limits within which and the conditions under which a supply of electricity is to be compulsory or permissive, and for enforcing the performance by the licensees of their duties in relation to such supply, and for the revocation of the license where the licensees fail to perform such duties, and generally may contain such regulations and conditions as the Board of Trade may think expedient:

(9.) Where in any area or part of an area in which any undertakers are authorised to supply electricity under any license the undertakers are not themselves the local authority, the license may contain any provisions and restrictions for enabling the local authority within whose jurisdiction such area or part of an area may be to exercise any of the powers of the undertakers under this Act with respect to the bracing up of any street repairable by such local authority within such area or part of an area, and the alteration of the position of any pipes or wires being under such street, and not being the pipes or wires of the undertakers, on behalf and at the expense of the undertakers, and for limiting the powers and liabilities of the undertakers in relation thereto, which the Board of Trade may think expedient.

4. *Granting of provisional orders authorising the supply of electricity.*] The Board of Trade may, from time to time, by provisional order authorise any local authority, company, or person to supply electricity for any public or private purposes within any area, without requiring such consents as are required to the granting a license under this Act, and for such period, whether limited or unlimited, as the Board of Trade may think proper, but in all other respects subject to the like provisions as in the last section contained with respect to licenses, and subject also to the following provisions:—

(1.) No provisional order shall authorise the supply of electricity by any undertakers within the district of any local authority (not being themselves the undertakers), unless notice that such provisional order has been or is intended to be applied for has been given to such local authority by the applicants in such manner as the Board of Trade may direct or approve on or before the first day of July in the year in which such application is made; provided that in the case of any application made during the present

year such notice shall be deemed to have been given in due time if the same is given within one month after the passing of this Act:

(2.) The Board of Trade may submit to Parliament for confirmation any provisional order granted by it in pursuance of this Act, but any such order shall be of no force unless and until it is confirmed by Act of Parliament:

(3.) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:

(4.) Any Act confirming any provisional order granted in pursuance of this Act may, on the application of the undertakers thereby authorised to supply electricity, be repealed, altered, or amended by any subsequent provisional order granted by the Board of Trade and confirmed by Parliament.

5. *Making of rules as to application, &c., under Act.*] The Board of Trade may from time to time make, and when made may rescind, alter, or repeal rules in relation to the applications for licenses or provisional orders, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which and the time within which representations or objections with reference to any application are to be made, and to the holding of local inquiries in such cases as they may think it advisable, and to any other matters arising under this Act.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the next session of Parliament.

6. *Regulations to be inserted in licenses, &c.]* The undertakers shall be subject to such regulations and conditions as may be inserted in any license, order, or special Act affecting their undertaking with regard to the following matters:

- The limits within which and the conditions under which a supply of electricity is to be compulsory or permissive;
- The securing a regular and efficient supply of electricity;
- The securing the safety of the public from personal injury, or from fire or otherwise;
- The limitation of the prices to be charged in respect of the supply of electricity;
- The authorising inspection and inquiry from time to time by the Board of Trade, and the local authority;
- The enforcement of the due performance of the duties of the undertakers in relation to the supply of electricity by the imposition of penalties or otherwise, and the revocation of the license, order, or special Act where the undertakers have, in the opinion of the Board of Trade, practically failed to carry the powers granted to them into effect within a reasonable time, or discontinued the exercise of such powers; and
- Generally with regard to any other matters in connexion with the undertakings.

Provided always, that the Board of Trade may, from time to time, make such regulations as they may think expedient for securing the safety of the public from personal injury or from fire or otherwise, and may from time to time amend or repeal any regulations which may be contained in any such license, order, or special Act in relation thereto; and any regulations so made or amended by the Board of Trade shall, from and after the date thereof, have the like effect in every respect as though they had been originally inserted in the license, order, or special Act authorising the undertaking, and every regulation so repealed shall, from and after the date thereof, be repealed accordingly, but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal or any proceeding or remedy which might have been had in relation thereto.



Any local authority within any part of whose district electricity is authorised to be supplied under any license, order, or special Act may, in addition to any regulations which may be made under the preceding provisions of this section for securing the safety of the public, from time to time make, rescind, alter, or repeal byelaws for further securing such safety; and there may be annexed to any breach of such byelaws such penalties to be recovered in a summary manner as they may think necessary: Provided always that no such byelaws shall have any force or effect unless and until they have been confirmed by the Board of Trade and published in such manner as the Board of Trade may direct.

7. *Expenses of local authority.* Any expenses incurred by a local authority under this Act, and not otherwise provided for, including any expenses incurred in connexion with the obtaining by them, or any opposition to the obtaining by any other local authority, company, or person, of any license, order, or special Act under this Act, may be defrayed out of the local rate as defined in the schedule to this Act, and the local authority may from time to time cause such rates to be levied as may be necessary for the purpose of defraying such expenses; provided that where such local authority is a rural sanitary authority such expenses shall be deemed to be special expenses within the meaning of the Public Health Act, 1875.

8. *Power of local authority to borrow money.* A local authority authorised to supply electricity by any license, order, or special Act may from time to time borrow money on such security, with such consent and subject to such provisions and restrictions with respect to borrowing and the repayment of loans, as are in the schedule to this Act in that behalf mentioned, and the money so borrowed shall be deemed to be borrowed under the enactments subject to the provisions and restrictions of which it is borrowed, and the accounts of all receipts and expenditure by the local authority in pursuance of this Act, or any license, order, or special Act, shall be subject to such audit as is in the said schedule in that behalf mentioned: Provided always, that any moneys borrowed under this section by the local authority of any district to which the Local Loans Act, 1875, extends, may, if it is thought fit, be borrowed in manner provided by that Act; and in the construction of the said Act for the purposes of this Act the expression "prescribed" means prescribed by any conditions imposed by the authority whose consent is required to borrowing under this section.

Where any local authority is authorised by any Act to raise any money which they may be empowered to borrow for certain purposes by the issue of corporation or other stock, any money which a local authority may be authorised to borrow under this section may, if it is thought fit, be raised by them by the issue of such stock as aforesaid.

This section shall not apply to the mayor, commonalty, and citizens of the city of London or to the Metropolitan Board of Works, except in so far as the Metropolitan Board of Works may be concerned in the borrowing of any money by any vestry or district board.

9. *Accounts.* The undertakers shall on or before the twenty-fifth day of March in every year fill up an annual statement of accounts of the undertaking made up to the thirty-first day of December then next preceding; and such statement shall be in such form and shall contain such particulars and shall be published in such manner as may from time to time be prescribed in that behalf by the Board of Trade.

The undertakers shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling a copy.

In case the undertakers make default in complying with the provisions of this section, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

10. *General powers of undertakers under license or provisional order.* The undertakers may, subject to and in accordance with the provisions and restrictions of this Act, and of any rules made by the Board of Trade in pursuance of this Act, and of any license, order, or special Act authorising or affecting their undertaking, and for the purpose of supplying

electricity, acquire such lands by agreement, construct such works, acquire such licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, enter into such contracts, and generally do all such acts and things as may be necessary and incidental to such supply.

11. *Power for local authority to contract in certain cases and restrictions on assignments of powers, &c., of undertakers.* Any local authority who have obtained a license, order, or special Act for the supply of electricity, may contract with any company or person for the execution and maintenance of any works needed for the purposes of such supply, or for the supply of electricity within any area mentioned in such license, order, or special Act, or in any part of such area; but no local authority, company, or person shall by any contract or assignment transfer to any other company or person or divest themselves of any legal powers given to them, or any legal liabilities imposed on them by this Act, or by any license, order, or special Act, without the consent of the Board of Trade.

12. *Incorporation of certain provisions of Clauses Consolidation Acts.* The provisions of the following Acts shall be incorporated with this Act; that is to say,

(1.) The Lands Clauses Acts, except the enactments with respect to the purchase and taking of lands otherwise than by agreement, and except the enactments with respect to the entry upon lands by the promoters of the undertaking; and

(2.) The provisions of the Gasworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, and with respect to waste or misuse of the gas or injury to the pipes and other works, except so much thereof as relates to the use of any burner other than such as has been provided or approved of by the undertakers; and

(3.) Sections thirty-eight to forty-two inclusive, and sections forty-five and forty-six, of the Gasworks Clauses Act, 1871.

For the purposes of this Act, in the construction of all the enactments incorporated by this section "the special Act" means this Act inclusive of any license, order, or special Act; and the "promoters" as "undertakers," and "the undertaking," as the case may be, mean the undertakers and the undertaking respectively under this Act.

In the construction of the said Lands Clauses Acts, "land" includes easements in or relating to lands.

In the construction of the said Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, the said Acts shall be construed as if "gas" meant "electricity," and as if "pipe" meant electric line, and "works" meant "works" as defined by this Act, and as if "the limits of the special Act" meant the area within which the undertakers are authorised to supply electricity under any license, order, or special Act.

All offences, forfeitures, penalties, and damages under the said incorporated provisions of the said Acts or any of them may be prosecuted and may be recovered in manner by the said Acts respectively enacted in relation thereto, provided that sums recoverable under the provisions of section forty of the Gasworks Clauses Act, 1871, shall not be recovered as penalties, but may be recovered summarily as civil debts.

13. *Restriction on breaking up of private streets, railways, and tramways.* Nothing in this Act or in any Act incorporated therewith shall authorise or empower the undertakers to break up any street which is not repairable by such local authority, or any railway or tramway, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, unless in pursuance of special powers in that behalf inserted in the license, order, or special Act, or with the written consent of the Board of Trade, and the Board of Trade shall not in any case insert any such special powers in any license or provisional order, or give any such consent until notice has been given to such authority, company, or person by advertisement or otherwise, as the Board of Trade may direct, and an opportunity has been given to such authority, company, or person to state any objections they may have thereto.

14. *Restrictions as to above-ground works.* Notwithstanding anything in this Act or in any Act incorporated therewith, the undertakers shall not be authorised to place any electric line above ground, along, over, or across any street, without the express consent of the local authority, and the local authority may require the undertakers to forthwith remove any electric line placed by them contrary to the provisions of this section, or may themselves remove the same, and recover the expenses of such removal from the undertakers in a summary manner; and where any electric line has been placed above ground by the undertakers in any position, a court of summary jurisdiction, upon complaint made, if they are of opinion that such electric line is or is likely to become dangerous to the public safety, may, notwithstanding any such consent as aforesaid, make an order directing and authorising the removal of such electric line by such person and upon such terms as they may think fit.

15. *Power to undertakers to alter position of pipes and wires.* Subject to the provisions of this Act and of the license, order, or special Act authorising them to supply electricity, and to any byelaws made under this Act, the undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the undertakers and owners, or in case of difference as may be determined in manner prescribed by the license or provisional order authorising the undertakers to supply electricity, or where no such manner is prescribed as may be determined by arbitration, and any local or other public authority, company, or person may in like manner alter the position of any electric lines or works of the undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such local or other public authority, company, or person in relation to such street or place, subject to the like provisions, conditions, and restrictions as are in this section contained with reference to the alteration of the position of any pipes or wires by the undertakers.

16. *Clause for protection of canals.* If at any time after the undertakers have placed any works under, in, upon, over, along or across any canal, any person having power to construct docks, basins or other works upon any land adjoining to or near such canal, constructs any dock, basin or work on such land, but is prevented by the works of the undertakers from forming a communication for the convenient passage of vessels with or without masts between such dock, basin or other work, and such canal; or if the business of such dock, basin or other work is interfered with by reason or in consequence of any such works of the undertakers, then the undertakers at the request of such person, and on having reasonable facilities afforded them by him for placing works round such dock, basin or other work, under, in, upon, over, along or across land belonging to or under his control, shall remove and place their work accordingly. If any dispute arises between the undertakers and such person as to the facilities to be afforded to the undertakers, or as to the direction in which the works are to be placed, it shall be determined by arbitration.

17. *Compensation for damage.* In the exercise of the powers in relation to the execution of works given them under this Act, or any license, order, or special Act, the undertakers shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration.

18. *Undertakers not to prescribe special form of lamp or burner.* The undertakers shall not be entitled to prescribe any special form of lamp or burner to be used by any company or person, or in any way to control or interfere with the manner in which electricity supplied by them under this Act, and any license, order, or special Act, is used: Provided always that no local authority, company, or

person shall be at liberty to use any form of lamp or burner or to use the electricity supplied to them for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority, company, or person by the undertakers, and if any dispute or difference arises between the undertakers, and any local authority, company, or person entitled to be supplied with electricity under this Act, or any license, order, or special Act as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

**19. Obligation on undertakers to supply electricity.]** Where a supply of electricity is provided in any part of an area for private purposes, then except in so far as is otherwise provided by the terms of the license, order, or special Act authorising such supply, every company or person within that part of the area shall, on application, be entitled to a supply on the same terms on which any other company or person in such part of the area is entitled under similar circumstances to a corresponding supply.

**20. Charges for electricity.]** The undertakers shall not, in making any agreements for a supply of electricity, show any undue preference to any local authority, company, or person, but, save as aforesaid, they may make such charges for the supply of electricity, as may be agreed upon, not exceeding the limits of price imposed by or in pursuance of the license, order, or special Act authorising them to supply electricity.

**21. Recovery of charges, &c.]** If any local authority, company, or person neglect to pay any charge for electricity or any other sum due from them to the undertakers in respect of the supply of electricity to such local authority, company, or person, the undertakers may cut off such supply, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by the undertakers in cutting off such supply of electricity as aforesaid, are fully paid, but no longer, discontinue the supply of electricity to such local authority, company, or person.

**22. Injuring works with intent to cut off supply of electricity.]** Any person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off any supply of electricity shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding five years, or to be imprisoned with or without hard labour for any term not exceeding two years; but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence.

**23. Stealing electricity.]** Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity shall be guilty of simple larceny and punishable accordingly.

**24. Power to enter lands or premises for ascertaining quantities of electricity consumed, or to remove fittings, &c.]** Any officer appointed by the undertakers may at all reasonable times enter any premises to which electricity is or has been supplied by the undertakers, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the undertakers, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the undertakers are authorised to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, fittings, works, or apparatus belonging to the undertakers, repairing all damage caused by such entry, inspection, or removal.

**25. Electric lines, &c., not to be subject to distress in certain cases.]** Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the undertakers are placed in or upon any premises not being in the possession of the undertakers for the purpose of supplying electricity under this Act, or any license, order, or special Act, such electric lines, meters, accumulators, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bank-

ruptcy against the person in whose possession the same may be.

**26. Provision for protection of the Postmaster-General.** No alteration in any telegraphic line of the Postmaster-General shall be made by the undertakers except subject to the provisions of the Telegraph Act, 1878.

The undertakers shall not in the exercise of the powers conferred by this Act, or by any license, order, or special Act, lay down any electric line or do any other work for the supply of electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such electric line is laid down or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of connections with mains where the direction of the electric lines so laid down crosses the line of the Postmaster-General at right angles at the point of shortest distance and continues the same for a distance of six feet on each side of such point) the undertakers or their agents not more than twenty-eight nor less than seven clear days before commencing such work shall give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any electric lines, and the undertakers and their agents shall conform with such reasonable requirements either general or special as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphs of the Postmaster-General from being injuriously affected by the said work.

Any difference which arises between the Postmaster-General and the undertakers or their agents with respect to any requirements so made, shall be determined by arbitration.

In the event of any contravention of or wilful non-compliance with this section by the undertakers or their agents the undertakers shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues.

Provided that nothing in this section shall subject the undertakers or their agents to a fine under this section, if they satisfy the court having cognizance of the case, that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.

For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work, or by any use made of such work.

For the purposes of this section, and subject as therein provided, sections two, seven, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the undertakers were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

**27. Purchase of undertaking by local authority.]** Where any undertakers are authorised by a provisional order or special Act to supply electricity within any area, any local authority within whose jurisdiction such area or any part thereof is situated may, within six months after the expiration of a period of twenty-one years, or such shorter period as is specified in that behalf in the application for the provisional order or in the special Act, from the date of the passing of the Act confirming such provisional order, or of such special Act, and within six months after the expiration of every subsequent period of seven years, or such shorter period as is specified in that behalf in the application for the provisional order or in the special Act, by notice in writing require such undertakers to sell, and thereupon such undertakers shall sell to them their undertaking, or so much of the same as is within such jurisdiction, upon terms of paying the then value of all lands, buildings, works, materials, and plant of such undertakers suitable to and used by them for the purposes of their undertaking within such jurisdiction, such value to be in case of differ-

ence determined by arbitration: Provided that the value of such lands, buildings, works, materials, and plant shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and then condition of such buildings, works, materials, and plant, and to the state of repair thereof, and the suitability of the same to the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance; but without any addition in respect of compulsory purchase or of goodwill or of any profits which may or might have been or be made from the undertaking, or of any similar considerations. The Board of Trade may determine any other questions which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, all lands, buildings, works, materials, and plant so purchased as aforesaid shall vest in the local authority which has made the purchase, freed from any debts, mortgages, or similar obligations of such undertakers or attaching to the undertaking, and the powers of such undertakers in relation to the supply of electricity under this Act or such provisional order or special Act as aforesaid within such area or part thereof as aforesaid shall absolutely cease and determine, and shall vest in the local authority aforesaid.

**28. Arbitration.]** Where any matter is by this Act, or any license, order, or special Act, directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other fit person to be nominated as arbitrator by the Board of Trade on the application of either party, and the expenses of the arbitration shall be borne and paid as the arbitrator directs.

Any license or provisional order granted under this Act shall be deemed to be a special Act within the meaning of the Board of Trade Arbitrations, &c., Act, 1874.

**29. Power for Board of Trade to relieve gas undertakers from obligation to supply gas in certain cases.]** Where a supply of electricity is authorised in any area by any license, order, or special Act, and a supply of gas by any gas undertakers is also authorised within such area or any part thereof by any provisional order or special Act under the provisions of which such gas undertakers are under any general or limited obligation to supply gas upon demand, the Board of Trade may, upon the application of such gas undertakers, inquire into the circumstances of the case, and if they are satisfied that any specified part of such area is sufficiently supplied with electric light, and that the supply of gas in such specified part has ceased to be remunerative to the gas undertakers, and that it is just that such gas undertakers should be relieved from the obligation to supply gas upon demand as aforesaid, the Board of Trade may in their discretion make an order relieving the gas undertakers from such obligation, within such specified part of such area, either wholly or in part, and upon such terms and conditions as they may think proper; and from and after the date of such order such gas undertakers shall be so relieved accordingly. All expenses of the Board of Trade in connexion with any such inquiry or order shall be borne and paid by the gas undertakers upon whose application the inquiry or order was made.

**30. Annual report by Board of Trade.]** Not later than the first day of July in each year the Board of Trade shall lay before both Houses of Parliament a report respecting the applications to and proceedings of the Board of Trade under this Act during the year then last past.

**31. Definition of local authority, &c.]** In this Act, unless the context otherwise requires, the expressions "local authority" and "local rate" mean, as respects each district set forth in the first column of the schedule to this Act annexed, the authority and rate mentioned opposite to that district in the second and third columns of that schedule; and such schedule, and the notes appended thereto, shall be of the same validity as if enacted in the body of the Act.

**32. Interpretation.]** In this Act, unless the context otherwise requires—

The expression "electricity" means electricity, electric current, or any like agency:



The expression "electric line" means a wire or wires, conductors, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents:

The expression "works" means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the undertakers under this Act:

The expression "company" means any body of persons corporate or unincorporate:

The expression "Lands Clauses Acts" means the Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The expression "street" includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place, within the area in which the undertakers are authorised to supply electricity by this Act or any license, order, or special Act:

The expression "telegram" has the same meaning as in the Telegraph Act, 1869.

33. *For the protection of mines.*] Nothing in this Act shall limit or interfere with the rights of any owner, leasee, or occupier of any mines or minerals

lying under or adjacent to any road along or across which any electric line shall be laid to work such mines and minerals.

34. *Provision as to general Acts.*] Nothing in this Act shall exempt the undertakers or their undertaking from the provisions of any general Act relating to the supply of electricity which may be passed in this or any future session of Parliament.

35. *Saving for privileges of Postmaster-General.*] Nothing in this Act or in any license, order, or special Act, shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act, 1869, or authorise or enable any local authority, company, or person to transmit any telegram or to perform any of the incidental services of receiving, collecting, or delivering telegrams, or give to any local authority, company, or person, any power, authority, or facility of any kind whatever, in connection with the transmitting of telegrams, or the performance of any of the incidental services of receiving, collecting, or delivering telegrams.

*As to Scotland.*

36. *Application of Act to Scotland.*] This Act shall apply to Scotland with the following modifications:

The expression "Lands Clauses Acts" means the Lands Clauses Consolidation (Scotland) Acts, 1845 and 1860.

The expression "simple larceny" means theft.

The expression "felony" means a high crime and offence.

The expression "public purposes" means lighting any street or any place belonging to or subject to the control of any public authority, or any church or place of public worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but shall not include any other purpose to which electricity may be applied.

The expression "local authority" means as regards streets and roads the authority having the control of the streets and roads.

*As to Ireland.*

37. *Application of Act to Ireland.*] This Act shall apply to Ireland with the following modifications:

Where the consent of the grand jury of any county to the breaking up of any road is required under this Act, such consent may be signified by the county surveyor; and where it is required under this Act that notice should be given by the Board of Trade to the grand jury of any county, and an opportunity afforded to such grand jury to state objections, such notice may be given to, and such objections may be stated by, the county surveyor on behalf of the grand jury.

The expression "Public Health Act, 1875," means the Public Health (Ireland) Act, 1878.

SCHEDULE.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.	Security upon which Loans are to be contracted.	Authority whose Consent is required to borrowing by Local Authority.	Provisions and Restrictions as to borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
ENGLAND AND WALES.						
The city of London and the liberties thereof.	The Mayor, Commonalty, and Citizens, acting by the Commissioners of Sewers.	The consolidated sewers rate.				
Parts of the metropolis which the Metropolitan Board of Works are authorised to light.	The Metropolitan Board of Works.	The consolidated rate.				
Parish mentioned in Schedule A. to the Metropolis Management Act, 1855.	The vestry	The lighting rate or other fund or rate applicable for lighting.	The local rate as herein defined.	The Metropolitan Board of Works.	Those contained in sections one hundred and eighty-three to one hundred and ninety-one (both inclusive) of the Metropolis Management Act, 1855.	That prescribed by section one hundred and ninety-five of the Metropolis Management Act, 1855.
District mentioned in Schedule B. to the Metropolis Management Act, 1855.	The district board.					
Urban sanitary district (1) ...	The urban sanitary authority (1).	The fund or rate applicable to the general purposes of the Public Health Act, 1875, in the district or any other fund or rate applicable to lighting under any local Act.	The local rate as herein defined and any property of the local authority.	The authority whose consent is required to loans under section two hundred and thirty-three of the Public Health Act, 1875.	Those contained in sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine (both inclusive) of the Public Health Act, 1875.	In the case of boroughs (2), that prescribed by section two hundred and forty-six of the Public Health Act, 1875, and in the case of other urban sanitary authorities that prescribed by section two hundred and forty-seven of the same Act.
Rural sanitary district (1) ...	The rural sanitary authority (1).	The rate or rates out of which special expenses incurred in respect of the contributory place or places (1) comprised within the area of supply are payable under the Public Health Act, 1875.	The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty-three of the Public Health Act, 1875.	Those contained in sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine (both inclusive) of the Public Health Act, 1875.	That prescribed by section two hundred and forty-eight of the Public Health Act, 1875.

NOTES.

(1.) "Urban sanitary district," "urban sanitary authority," "rural sanitary district," "rural sanitary authority," and "contributory place," have the meanings respectively assigned to them in the Public Health Act, 1875.

(2.) "Borough" means any place for the time being subject to an Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled, "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and the Acts amending the same.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.	Security upon which Loans are to be contracted.	Authority whose Consent is required to borrowing by Local Authority.	Provisions and Restrictions as to borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
<b>SCOTLAND.</b>						
Places within the jurisdiction of any town council, and not subject to any such separate jurisdiction as herein-after mentioned.	The town council.	The police or burgh assessment, or rate of the nature of a burgh assessment.	The local rate as herein defined.	One of Her Majesty's Principal Secretaries of State.	Those contained in section eighty-six of the Public Health (Scotland) Act, 1867.	That prescribed by section seventy-seven and seventy-eight of the General Police and Improvement (Scotland) Act, 1862, provided that the expression "Commissioners" shall include town council.
Places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act, and not subject to such jurisdiction as herein-after mentioned.	The police commissioners or trustees.					
Places within the jurisdiction or limits of any public commissioners or board (other than any of the bodies herein-before mentioned) charged by any local Act with the duty of lighting the district within their jurisdiction or limits with gas.	The commissioners or board.	The gas rates leviable by the commissioners or board.	The local rate as herein defined, and the rates, charges, and other securities provided by the local Act.	One of Her Majesty's Principal Secretaries of State.	Those contained in the local Act with respect to the borrowing of money for the purposes thereof.	That prescribed by the local Act.
Any county or part thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend, and not within the jurisdiction or limits of such public commissioners or board as above mentioned.	The county road board.	The county road assessment.	The local rate as herein defined.	One of Her Majesty's Principal Secretaries of State.	Those contained in sections seventy-five to seventy-nine (both inclusive) of the Roads and Bridges (Scotland) Act, 1878.	That prescribed by section one hundred and twenty of the Roads and Bridges (Scotland) Act, 1878.

**IRELAND.**

Urban sanitary district (1)	The urban sanitary authority (1).	The rate or rates applicable to the general purposes of the Public Health (Ireland) Act, 1878, or any other fund or rate applicable to lighting under any local Act.	The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty-seven of the Public Health (Ireland) Act, 1878.	Those contained in sections two hundred and thirty-seven, two hundred and thirty-eight, and two hundred and forty to two hundred and forty-three (both inclusive) of the Public Health (Ireland) Act, 1878.	That prescribed by section two hundred and forty-eight of the Public Health (Ireland) Act, 1878.
Rural sanitary district (1)	The rural sanitary authority (1).	The rate or rates out of which special expenses incurred in respect of the contributory place or places (1) comprised within the area of supply are payable under the Public Health (Ireland) Act, 1878.	The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty-seven of the Public Health (Ireland) Act, 1878.	Those contained in sections two hundred and thirty-seven, two hundred and thirty-eight, and two hundred and forty to two hundred and forty-three (both inclusive) of the Public Health (Ireland) Act, 1878.	That prescribed by section two hundred and forty-eight of the Public Health (Ireland) Act, 1878.

**NOTE.**

(1.) "Urban sanitary district," "urban sanitary authority," "rural sanitary district," "rural sanitary authority," and "contributory place," have the meanings respectively assigned to them in the Public Health (Ireland) Act, 1878.

**CAP. LVII.**

An Act to amend the law relating to Costs and Salaries in County Courts.

[18th August 1882.]

Be it enacted, &c.:

1. *Short title.*] This Act is one of the County Courts Acts, and may be cited for all purposes as the County Courts (Costs and Salaries) Act, 1882.

2. 9 & 10 Vict. c. 95, s. 91, repealed, and enacted in lieu thereof.] So much of section ninety-one of the County Courts Act, 1846, as is still in force is hereby repealed, and the following provisions shall from and after the passing of this Act take effect in lieu thereof, that is to say: No person other than a solicitor of the Supreme Court shall be entitled to have or recover any fee or reward for appearing or acting on behalf of any other party in any proceeding in a county court: Provided always, that nothing in this Act contained shall affect the right of any barrister-at-law to appear or act in any county court, or of any solicitor of the Supreme Court to recover costs in respect of his employment of a barrister-at-law to appear or act as aforesaid.

3. 29 & 30 Vict. c. 14, s. 2, partly repealed.] So much of section two of the County Courts Act, 1866, as limits the salaries and expenses of the persons by

whom the accounts of the county courts are to be examined is hereby repealed.

4. *Construction of s. 5 of 30 & 31 Vict. c. 142.*] Section five of the thirtieth and thirty-first years of the reign of Victoria, chapter one hundred and forty-two, shall be read and construed as if the words "less than" were substituted for the words "not exceeding."

5. *Award of costs.*] Notwithstanding any Act of Parliament or any rule to the contrary, it shall be in the power of the judge of a county court to award costs on the higher scale to the plaintiff on any amount recovered, however small, or to the defendant who successfully defends an action brought for any amount, however small, provided the said judge certifies that the action involved some novel or difficult point of law, or that the question litigated was of importance to some class or body of persons or of general or public interest.

**CAP. LVIII.**

An Act to amend the Divided Parishes and Poor Law Amendment Act, 1876; and for other purposes.

[18th August 1882.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as

the Divided Parishes and Poor Law Amendment Act, 1882, and shall be construed as one with the Divided Parishes and Poor Law Amendment Act, 1876, in this Act referred to as the principal Act, and the Acts amending the same.

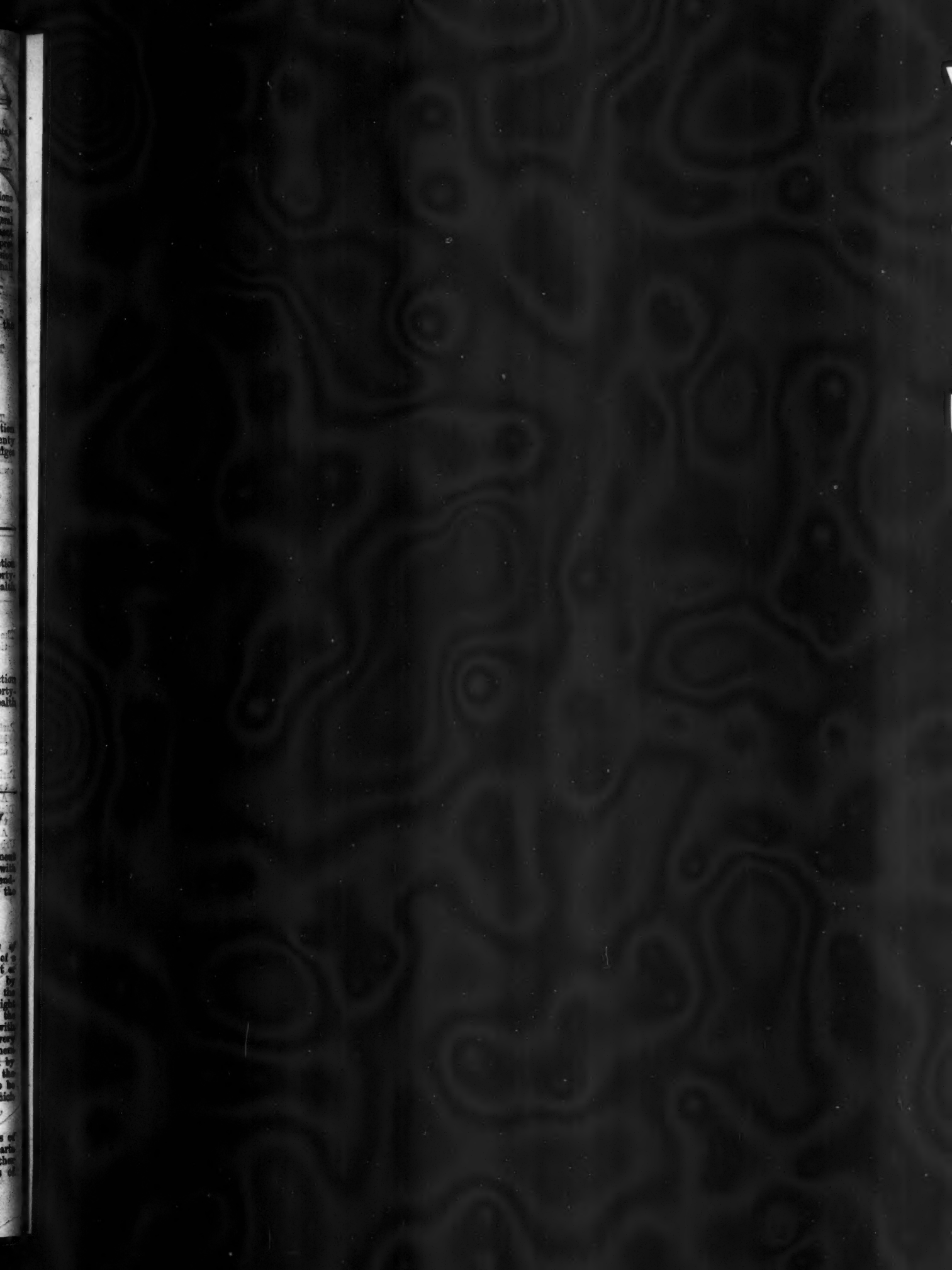
**Detached Parts of Parishes.**

2. *Detached parts of parishes to form parts of parishes surrounding them.*] Where any part of a parish is isolated or detached from the other part of the parish, and is wholly surrounded by another parish, such part shall, from and after the twenty-fifth day of March one thousand eight hundred and eighty-three, be amalgamated with the last-mentioned parish in the same manner and with the same consequences and limitations in every respect, subject nevertheless as herein-after mentioned, as if the amalgamation had been effected by an order of the Local Government Board under the principal Act, and such part shall be deemed to be within the same county as the parish with which it is amalgamated.

Provided as follows:

(1.) If two or more isolated or detached parts of parishes adjoin each other, and such parts together are wholly surrounded by another parish, the same shall for the purposes of





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this Act be deemed one isolated or detached part.

(2) If any question should arise as to whether part of a parish is isolated or detached from the other part or parts of the parish, or is wholly surrounded by another parish, the Local Government Board may by order determine the question.

(3) This section shall not apply to any parish situate wholly or partly in the metropolis.

3. *Provision for parishes not separately maintaining highways.* Where the parish with which any such isolated or detached part of a parish as aforesaid becomes amalgamated, under the provisions of this Act, is not a place separately maintaining its own highways, or entitled to return a separate waywarden to a highway board, the Local Government Board may deal with such parish for highway purposes by an order in like manner as they would have been enabled to deal with the same by a supplemental order under section seven of the Poor Law Act, 1879, if the amalgamation had been enacted prior to the passing of this Act by an order under the principal Act.

4. *Detached parts with a population exceeding 300 may be made separate parishes.* If the population of any such isolated or detached part of a parish as aforesaid exceeds three hundred persons, one tenth in number and rateable value of the persons appearing on the rate in force for the time being to be rated to the relief of the poor in respect of property within such part may apply to the Local Government Board, in writing, on or before the first day of December next, to have the same declared to be a separate parish, and the Board may by order either dismiss the application or constitute such part a separate parish from and after a day to be fixed by the order; and if an order is made dismissing the application, section two of this Act shall not take effect with respect to such part until such order is made.

An order constituting a parish under this section shall have the same consequences and may contain the same provisions as if the same were made under the principal Act, but section two of that Act shall not apply to such order.

5. *Provision as to school districts.* Notwithstanding anything contained in the principal Act, any alteration of an area made by or pursuant to this Act shall extend to alter the constitution of the school districts, unless the Education Department otherwise direct.

6. *Extension of 39 & 40 Vict. c. 61, s. 5.* Section five of the principal Act shall apply to any parish in a highway district, although it may not be a parish for which a waywarden can be elected.

7. *Interpretation of county.* For the purposes of the principal Act, and the Acts amending the same, a riding or other division of a county having a separate court of quarter sessions, or for which a separate county treasurer may be appointed, shall be deemed to be a separate county.

#### Poor Law Amendments.

8. *Power to alter wards for election of guardians in certain cases.* Any wards already formed or hereafter to be formed by the Local Government Board under the Public Health Act, 1872, or the Public Health Act, 1875, for the election of guardians of the poor, and the number of guardians to be elected for such wards respectively, may be altered from time to time by that Board as they may think fit.

9. *Adjustment of liabilities in asylum district.* Where the Local Government Board, by order, under section six of the Metropolitan Poor Act, 1867, have altered, or shall hereafter alter, any district formed under that Act, they may ascertain the proportionate value of the property and the amount of the obligations of every parish or union affected by the change, and may fix the amount to be received, or paid, or secured to be paid by every such parish or union.

10. *Provision for separate rate.* If, for the purpose of giving effect to any adjustment which the Local Government Board are authorised or required to make under the Poor Law Amendment Act, 1834, or the Acts amending the same, it is necessary that a separate rate should be levied on part of a parish only, the Board may in the order of adjustment direct such rate to be made, and the same shall be assessed,

made, allowed, published, collected, and levied in the same manner and by the same persons as if it were a poor rate and extended to the whole parish.

11. *Adjustment of liabilities not required in certain cases.* It shall not be incumbent on the Local Government Board to make an adjustment under the Poor Law Amendment Act, 1834, or the Acts amending the same, in any case where the circumstances appear to them to render such adjustment inexpedient or unnecessary.

12. *Mode of consent by guardians and managers.* Where, under the Poor Law Amendment Act, 1834, or any of the Acts amending the same, the consent in writing of a majority of the guardians of a union or the managers of a school district is required it shall be deemed a sufficient compliance with such requirement if a resolution giving consent is passed at a meeting of the guardians or managers, of which meeting, and of the business to be transacted thereat, not less than fourteen days' notice shall be given to each guardian or manager.

13. *Extension of 25 & 26 Vict. c. 43, s. 1.* The guardians of any union who send any pauper child to a school certified under the Act of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter forty-three, may pay the reasonable expenses incurred in the maintenance, clothing, and education of such child whilst in such school to an amount not exceeding such rate of payment as may be sanctioned by the Local Government Board for pauper children sent to such school, anything contained in the said Act to the contrary notwithstanding.

14. *Repeal of 20 Vict. c. 19, s. 2, and 4 & 5 Will. 4, c. 76, s. 18.* The following enactments are hereby repealed, viz.—

(1.) Section two of the Act of the twentieth year of the reign of Her present Majesty, chapter nineteen, relating to the appointment of overseers for extra-parochial places in certain cases;

(2.) So much of section eighteen of the Poor Law Amendment Act, 1834, as requires copies of the orders of the Poor Law Commissioners to be sealed or stamped with their seal; and

(3.) So much of section six of the Union and Parish Property Act, 1835, and of the schedule to that Act, and so much of section six of the Parish Property and Parish Debts Act, 1842, as relate to the transmission to the Poor Law Commissioners, and the approval, sealing, and registration by such Commissioners of deeds or other instruments, except as regards deeds or instruments executed prior to the date of this Act; and nothing in the said Acts, or in the Poor Law Amendment Act, 1834, or in the Union Loans Act, 1869, or the Acts amending or extending those Acts respectively, shall be deemed to require the approval or registration by the Local Government Board of any such deed or instrument as aforesaid, or of any lease or agreement for lease made or entered into under the authority of those Acts or any of them.

Provided that the guardians or managers, as the case may be, shall keep a register of the securities in respect of all sums borrowed by them, in such form and subject to such regulations as to inspection or otherwise as the Local Government Board may from time to time prescribe.

#### CAP. LIX.

An Act to reorganise the Educational Endowments of Scotland. [18th August 1892.]

#### CAP. LX.

An Act to amend and extend the provisions of the Land Law (Ireland) Act, 1831, relating to Labourers Cottages and Allotments. [18th August 1892.]

#### CAP. LXI.

An Act to codify the law relating to Bills of Exchange, Cheques, and Promissory Notes. [18th August 1892.]

Be it enacted, &c. :

#### PART I. Preliminary.

1. *Short title.* This Act may be cited as the Bills of Exchange Act, 1892.

2. *Interpretation of terms.* In this Act, unless the context other wise requires,—

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter-claim and set-off.

"Banker" includes a body of persons whether incorporated or not who carry on the business of banking.

"Bankrupt" includes any person whose estate is vested in a trustee or assignee under the law for the time being in force relating to bankruptcy.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means promissory note.

"Delivery" means transfer of possession, actual or constructive, from one person to another.

"Holder" means the payee or indorsee of a bill or note who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Issue" means the first delivery of a bill or note, complete in form to a person who takes it as a holder.

"Person" includes a body of persons whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

#### PART II.

##### BILLS OF EXCHANGE.

##### Form and Interpretation.

3. *Bill of exchange defined.* (1.) A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to or to the order of a specified person, or to bearer.

(2.) An instrument which does not comply with these conditions, or which orders any act to be done in addition to the payment of money, is not a bill of exchange.

(3.) An order to pay out of a particular fund is not unconditional within the meaning of this section; but an unqualified order to pay, coupled with (a) an indication of a particular fund out of which the drawee is to reimburse himself or a particular account to be debited with the amount, or (b) a statement of the transaction which gives rise to the bill, is unconditional.

(4.) A bill is not invalid by reason—

(a.) That it is not dated;

(b.) That it does not specify the value given, or that any value has been given therefor;

(c.) That it does not specify the place where it is drawn or the place where it is payable.

4. *Inland and foreign bills.* (1.) An inland bill is a bill which is or on the face of it purports to be (a) both drawn and payable within the British Islands, or (b) drawn within the British Islands upon some person resident therein. Any other bill is a foreign bill.

For the purposes of this Act "British Islands" mean any part of the United Kingdom of Great Britain and Ireland, the islands of Man, Guernsey, Jersey, Alderney, and Sark, and the islands adjacent to any of them being part of the dominions of Her Majesty.

(2.) Unless the contrary appear on the face of the bill the holder may treat it as an inland bill.

5. *Effect where different parties to bill are the same person.* (1.) A bill may be drawn payable to, or to the order of, the drawer; or it may be drawn payable to, or to the order of, the drawee.

(2.) Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or as a promissory note.

6. *Address to drawee.* (1.) The drawee must be

named or otherwise indicated in a bill with reasonable certainty.

(2.) A bill may be addressed to two or more drawees whether they are partners or not, but an order addressed to two drawees in the alternative or to two or more drawees in succession is not a bill of exchange.

7. *Certainty required as to payee.* (1.) Where a bill is not payable to bearer, the payee must be named or otherwise indicated therein with reasonable certainty.

(2.) A bill may be made payable to two or more payees jointly, or it may be made payable in the alternative to one of two, or one or some of several payees. A bill may also be made payable to the holder of an office for the time being.

(3.) Where the payee is a fictitious or non-existing person the bill may be treated as payable to bearer.

8. *What bills are negotiable.* (1.) When a bill contains words prohibiting transfer, or indicating an intention that it should not be transferable, it is valid as between the parties thereto, but is not negotiable.

(2.) A negotiable bill may be payable either to order or to bearer.

(3.) A bill is payable to bearer which is expressed to be so payable, or on which the only or last indorsement is an indorsement in blank.

(4.) A bill is payable to order which is expressed to be so payable, or which is expressed to be payable to a particular person, and does not contain words prohibiting transfer or indicating an intention that it should not be transferable.

(5.) Where a bill, either originally or by indorsement is expressed to be payable to the order of a specified person, and not to him or his order, it is nevertheless payable to him or his order at his option.

9. *Sum payable.* (1.) The sum payable by a bill is a sum certain within the meaning of this Act, although it is required to be paid—

(a.) With interest.

(b.) By stated instalments.

(c.) By stated instalments, with a provision that upon default in payment of any instalment the whole shall become due.

(d.) According to an indicated rate of exchange or according to a rate of exchange to be ascertained as directed by the bill.

(2.) Where the sum payable is expressed in words and also in figures, and there is a discrepancy between the two, the sum denoted by the words is the amount payable.

(3.) Where a bill is expressed to be payable with interest, unless the instrument otherwise provides, interest runs from the date of the bill, and if the bill is undated from the issue thereof.

10. *Bill payable on demand.* (1.) A bill is payable on demand—

(a.) Which is expressed to be payable on demand, or at sight, or on presentation; or

(b.) In which no time for payment is expressed.

(2.) Where a bill is accepted or indorsed, when it is overdue, it shall, as regards the acceptor who so accepts, or any indorser who so indorses it, be deemed a bill payable on demand.

11. *Bill payable at a future time.* A bill is payable at a determinable future time within the meaning of this Act which is expressed to be payable—

(1.) At a fixed period after date or sight.

(2.) On or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening may be uncertain.

An instrument expressed to be payable on a contingency is not a bill, and the happening of the event does not cure the defect.

12. *Omission of date in bill payable after date.* Where a bill expressed to be payable at a fixed period after date is issued undated, or where the acceptance of a bill payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the bill shall be payable accordingly.

Provided that (1) where the holder in good faith and by mistake inserts a wrong date, and (2) in every case where a wrong date is inserted, if the bill subsequently comes into the hands of a holder in due course the bill shall not be avoided thereby,

but shall operate and be payable as if the date so inserted had been the true date.

13. *Ante-dating and post-dating.* (1.) Where a bill or an acceptance or any indorsement on a bill is dated, the date shall, unless the contrary be proved, be deemed to be the true date of the drawing, acceptance, or indorsement, as the case may be.

(2.) A bill is not invalid by reason only that it is ante-dated or post-dated, or that it bears date on a Sunday.

14. *Computation of time of payment.* Where a bill is not payable on demand the day on which it falls due is determined as follows:

(1.) Three days, called days of grace, are, in every case where the bill itself does not otherwise provide, added to the time of payment as fixed by the bill, and the bill is due and payable on the last day of grace: Provided that—

(a.) When the last day of grace falls on Sunday, Christmas Day, Good Friday, or a day appointed by Royal proclamation as a public fast or thanksgiving day, the bill is, except in the case hereinafter provided for, due and payable on the preceding business day.

(b.) When the last day of grace is a bank holiday (other than Christmas Day or Good Friday) under the Bank Holidays Act, 1871, and Acts amending or extending it, or when the last day of grace is a Sunday and the second day of grace is a Bank Holiday, the bill is due and payable on the succeeding business day.

(2.) Where a bill is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run and by including the day of payment.

(3.) Where a bill is payable at a fixed period after sight, the time begins to run from the date of the acceptance if the bill be accepted, and from the date of noting or protest if the bill be noted or protested for non-acceptance, or for non-delivery.

(4.) The term "month" in a bill means calendar month.

15. *Case of need.* The drawer of a bill and any indorser may insert therein the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonoured by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may think fit.

16. *Optional stipulations by drawer or indorser.* The drawer of a bill, and any indorser, may insert therein an express stipulation—

(1.) Negating or limiting his own liability to the holder:

(2.) Waiving as regards himself some or all of the holder's duties.

17. *Definition and requisites of acceptance.* (1.) The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer.

(2.) An acceptance is invalid unless it complies with the following conditions, namely:

(a.) It must be written on the bill and be signed by the drawee. The mere signature of the drawee without additional words is sufficient.

(b.) It must not express that the drawee will perform his promise by any other means than the payment of money.

18. *Time for acceptance.* A bill may be accepted—

(1.) Before it has been signed by the drawer, or while otherwise incomplete:

(2.) When it is overdue, or after it has been dishonoured by a previous refusal to accept, or by non-payment:

(3.) When a bill payable after sight is dishonoured by non-acceptance, and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of first presentment to the drawee for acceptance.

19. *General and qualified acceptances.* (1.) An acceptance is either (a) general or (b) qualified.

(2.) A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

In particular an acceptance is qualified which is—

(a.) conditional, that is to say, which makes payment by the acceptor dependent on the fulfilment of a condition therein stated:

(b.) partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn:

(c.) local, that is to say, an acceptance to pay only at a particular specified place:

An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere:

(d.) qualified as to time:

(e.) the acceptance of some one or more of the drawees, but not of all.

20. *Inchoate instruments.* (1.) Where a simple signature on a blank stamped paper is delivered by the signer in order that it may be converted into a bill, it operates as a *prima facie* authority to fill it up as a complete bill for any amount the stamp will cover, using the signature for that of the drawer, or the acceptor, or an indorser; and, in like manner, when a bill is wanting in any material particular, the person in possession of it has a *prima facie* authority to fill up the omission in any way he thinks fit.

(2.) In order that any such instrument when completed may be enforceable against any person who became a party thereto prior to its completion, it must be filled up within a reasonable time, and strictly in accordance with the authority given. Reasonable time for this purpose is a question of fact.

Provided that if any such instrument after completion is negotiated to a holder in due course it shall be valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up within a reasonable time and strictly in accordance with the authority given.

21. *Delivery.* (1.) Every contract on a bill, whether it be the drawer's, the acceptor's, or an indorser's is incomplete and revocable, until delivery of the instrument in order to give effect thereto.

Provided that where an acceptance is written on a bill, and the drawee gives notice to or according to the directions of the person entitled to the bill that he has accepted it, the acceptance then becomes complete and irrevocable.

(2.) As between immediate parties, and as regards a remote party other than a holder in due course, the delivery—

(a.) in order to be effectual must be made either by or under the authority of the party drawing, accepting, or indorsing, as the case may be:

(b.) may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the bill.

But if the bill be in the hands of a holder in due course, a valid delivery of the bill by all parties prior to him so as to make them liable to him is conclusively presumed.

(3.) Where a bill is no longer in the possession of a party who has signed it as drawer, acceptor, or indorser, a valid and unconditional delivery by him is presumed until the contrary is proved.

#### Capacity and Authority of Parties.

22. *Capacity of parties.* (1.) Capacity to incur liability as a party to a bill is co-extensive with capacity to contract.

Provided that nothing in this section shall enable a corporation to make itself liable as drawer, acceptor, or indorser of a bill unless it is competent to it so to do under the law for the time being in force relating to corporations.

(2.) Where a bill is drawn or indorsed by an infant, minor, or corporation having no capacity or power to incur liability on a bill, the drawing or indorsement entitles the holder to receive payment of the bill, and to enforce it against any other party thereto.

23. *Signature essential to liability.* No person is liable as drawer, indorser, or acceptor of a bill who has not signed it as such: Provided that

(1.) Where a person signs a bill in a trade or assumed name, he is liable thereon as if he had signed it in his own name:

(2.) The signature of the name of a firm is equivalent to the signature by the person so signing of the names of all persons liable as partners in that firm.



24. *Forged or unauthorised signature.*] Subject to the provisions of this Act, where a signature on a bill is forged or placed thereon without the authority of the person whose signature it purports to be, the forged or unauthorised signature is wholly inoperative, and no right to retain the bill or to give a discharge therefor or to enforce payment thereof against any party thereto can be acquired through or under that signature, unless the party against whom it is sought to retain or enforce payment of the bill is precluded from setting up the forgery or want of authority.

Provided that nothing in this section shall affect the ratification of an unauthorised signature not amounting to a forgery.

25. *Procurator signatures.*] A signature by procurator operates as notice that the agent has but a limited authority to sign, and the principal is only bound by such signature if the agent in so signing was acting within the actual limits of his authority.

26. *Person signing as agent or in representative capacity.*] (1.) Where a person signs a bill as drawer, indorser, or acceptor, and adds words to his signature, indicating that he signs for or on behalf of a principal, or in a representative character, he is not personally liable thereon; but the mere addition to his signature of words describing him as an agent, or as filling a representative character, does not exempt him from personal liability.

(2.) In determining whether a signature on a bill is that of the principal or that of the agent by whose hand it is written, the construction most favourable to the validity of the instrument shall be adopted.

#### The Consideration for a Bill.

27. *Value and holder for value.*] (1.) Valuable consideration for a bill may be constituted by,—

(a.) Any consideration sufficient to support a simple contract;

(b.) An antecedent debt or liability. Such a debt or liability is deemed valuable consideration whether the bill is payable on demand or at a future time.

(2.) Where value has at any time been given for a bill the holder is deemed to be a holder for value as regards the acceptor and all parties to the bill who became parties prior to such time.

(3.) Where the holder of a bill has a lien on it arising either from contract or by implication of law, he is deemed to be a holder for value to the extent of the sum for which he has a lien.

28. *Accommodation bill or party.*] (1.) An accommodation party to a bill is a person who has signed a bill as drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person.

(2.) An accommodation party is liable on the bill to a holder for value; and it is immaterial whether, when such holder took the bill, he knew such party to be an accommodation party or not.

29. *Holder in due course.*] (1.) A holder in due course is a holder who has taken a bill, complete and regular on the face of it, under the following conditions, namely,

(a.) That he became the holder of it before it was overdue, and without notice that it had been previously dishonoured, if such was the fact;

(b.) That he took the bill in good faith and for value, and that at the time the bill was negotiated to him he had no notice of any defect in the title of the person who negotiated it.

(2.) In particular the title of a person who negotiates a bill is defective within the meaning of this Act when he obtained the bill, or the acceptance thereof, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

(3.) A holder (whether for value or not), who derives his title to a bill through a holder in due course, and who is not himself a party to any fraud or illegality affecting it, has all the rights of that holder in due course as regards the acceptor and all parties to the bill prior to that holder.

30. *Presumption of value and good faith.*] (1.) Every party whose signature appears on a bill is prima facie deemed to have become a party thereto for value.

(2.) Every holder of a bill is prima facie deemed to be a holder in due course; but if in an action on a bill it is admitted or proved that the acceptance, issue, or subsequent negotiation of the bill is affected with fraud, duress, or force and fear, or illegality, the burden of proof is shifted, unless and until the holder proves that, subsequent to the alleged fraud or illegality, value has in good faith been given for the bill.

#### Negotiation of Bills.

31. *Negotiation of bill.*] (1.) A bill is negotiated when it is transferred from one person to another in such a manner as to constitute the transferee the holder of the bill.

(2.) A bill payable to bearer is negotiated by delivery.

(3.) A bill payable to order is negotiated by the indorsement of the holder completed by delivery.

(4.) Where the holder of a bill payable to his order transfers it for value without indorsing it, the transfer gives the transferee such title as the transferor had in the bill, and the transferee in addition acquires the right to have the indorsement of the transferor.

(5.) Where any person is under obligation to indorse a bill in a representative capacity, he may indorse the bill in such terms as to negative personal liability.

32. *Requisites of a valid indorsement.*] An indorsement in order to operate as a negotiation must comply with the following conditions, namely—

(1.) It must be written on the bill itself and be signed by the indorser. The simple signature of the indorser on the bill, without additional words, is sufficient.

An indorsement written on an allonge, or on a "copy" of a bill issued or negotiated in a country where "copies" are recognised, is deemed to be written on the bill itself.

(2.) It must be an indorsement of the entire bill. A partial indorsement, that is to say, an indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the bill to two or more indorsees severally does not operate as a negotiation of the bill.

(3.) Where a bill is payable to the order of two or more payees or indorsees who are not partners all must indorse, unless the one indorsing has authority to indorse for the others.

(4.) Where, in a bill payable to order, the payee or indorsee is wrongly designated, or his name is mis-spelt, he may indorse the bill as therein described, adding, if he think fit, his proper signature.

(5.) Where there are two or more indorsements on a bill, each indorsement is deemed to have been made in the order in which it appears on the bill, until the contrary is proved.

(6.) An indorsement may be made in blank or special. It may also contain terms making it restrictive.

33. *Conditional indorsement.*] Where a bill purports to be indorsed conditionally the condition may be disregarded by the payer and payment to the indorsee is valid whether the condition has been fulfilled or not.

34. *Indorsement in blank and special indorsement.*] (1.) An indorsement in blank specifies no indorsee, and a bill so indorsed becomes payable to bearer.

(2.) A special indorsement specifies the person to whom, or to whose order, the bill is to be payable.

(3.) The provisions of this Act relating to a payee apply with the necessary modifications to an indorsee under a special indorsement.

(4.) When a bill has been indorsed in blank, any holder may convert the blank indorsement into a special indorsement by writing above the indorser's signature a direction to pay the bill to or to the order of himself or some other person.

35. *Restrictive indorsement.*] (1.) An indorsement is restrictive which prohibits the further negotiation of the bill or which expresses that it is a mere authority to deal with the bill as thereby directed and not a transfer of the ownership thereof, as, for example, if a bill be indorsed "Pay D. only," or "Pay D. for the account of X.," or "Pay D. or order for collection."

(2.) A restrictive indorsement gives the indorsee the right to receive payment of the bill and to sue

any party thereto that his indorser could have sued, but gives him no power to transfer his rights as indorsee unless it expressly authorises him to do so.

(3.) Where a restrictive indorsement authorises further transfer, all subsequent indorsees take the bill with the same rights and subject to the same liabilities as the first indorsee under the restrictive indorsement.

36. *Negotiation of overdue or dishonoured bill.*] (1.) Where a bill is negotiable in its origin it continues to be negotiable until it has been (a) restrictively indorsed or (b) discharged by payment or otherwise.

(2.) Where an overdue bill is negotiated, it can only be negotiated subject to any defect of title affecting it at its maturity, and thenceforward no person who takes it can acquire or give a better title than that which the person from whom he took it had.

(3.) A bill payable on demand is deemed to be overdue within the meaning and for the purposes of this section, when it appears on the face of it to have been in circulation for an unreasonable length of time. What is an unreasonable length of time for this purpose is a question of fact.

(4.) Except where an indorsement bears date after the maturity of the bill, every negotiation is prima facie deemed to have been effected before the bill was overdue.

(5.) Where a bill which is not overdue has been dishonoured any person who takes it with notice of the dishonour takes it subject to any defect of title attaching thereto at the time of dishonour, but nothing in this sub-section shall affect the rights of a holder in due course.

37. *Negotiation of bill to party already liable thereon.*] Where a bill is negotiated back to the drawer, or to a prior indorser or to the acceptor, such party may, subject to the provisions of this Act, re-issue and further negotiate the bill, but he is not entitled to enforce payment of the bill against any intervening party to whom he was previously liable.

38. *Rights of the holder.*] The rights and powers of the holder of a bill are as follows:—  
(1.) He may sue on the bill in his own name;  
(2.) Where he is a holder in due course, he holds the bill free from any defect of title of prior parties, as well as from mere personal defences available to prior parties among themselves, and may enforce payment against all parties liable on the bill;

(3.) Where his title is defective (a) if he negotiates the bill to a holder in due course, that holder obtains a good and complete title to the bill, and (b) if he obtains payment of the bill the person who pays him in due course gets a valid discharge for the bill.

#### General Duties of the Holder.

39. *When presentment for acceptance is necessary.*] (1.) Where a bill is payable after sight, presentment for acceptance is necessary in order to fix the maturity of the instrument.

(2.) Where a bill expressly stipulates that it shall be presented for acceptance, or where a bill is drawn payable elsewhere than at the residence or place of business of the drawee, it must be presented for acceptance before it can be presented for payment.

(3.) In no other case is presentment for acceptance necessary in order to render liable any party to the bill.

(4.) Where the holder of a bill, drawn payable elsewhere than at the place of business or residence of the drawee, has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawer and indorsers.

40. *Time for presenting bill payable after sight.*] (1.) Subject to the provisions of this Act, when a bill payable after sight is negotiated, the holder must either present it for acceptance or negotiate it within a reasonable time.

(2.) If he do not do so, the drawer and all indorsers prior to that holder are discharged.

(3.) In determining what is a reasonable time within the meaning of this section, regard shall be

had to the nature of the bill, the usage of trade with respect to similar bills, and the facts of the particular case.

41. *Rules as to presentment, for acceptance, and excuses for non-presentment.* (1.) A bill is duly presented for acceptance which is presented in accordance with the following rules:—

- (a) The presentment must be made by or on behalf of the holder to the drawee or to some person authorised to accept or refuse acceptance on his behalf at a reasonable hour on a business day and before the bill is overdue:
- (b) Where a bill is addressed to two or more drawees, who are not partners, presentment must be made to them all, unless one has authority to accept for all, then presentment may be made to him only:
- (c) Where the drawee is dead presentment may be made to his personal representative:
- (d) Where the drawee is bankrupt, presentment may be made to him or to his trustee:
- (e) Where authorised by agreement or usage, a presentment through the post office is sufficient:

(2) Presentment in accordance with these rules is excused, and a bill may be treated as dishonoured by non-acceptance—

- (a.) Where the drawee is dead or bankrupt, or is a fictitious person or a person not having capacity to contract by bill:
  - (b.) Where, after the exercise of reasonable diligence, such presentment cannot be effected:
  - (c.) Where, although the presentment has been irregular, acceptance has been refused on some other ground.
- (3.) The fact that the holder has reason to believe that the bill, on presentment, will be dishonoured does not excuse presentment.

42. *Non-acceptance.* (1.) When a bill is duly presented for acceptance and is not accepted within the customary time, the person presenting it must treat it as dishonoured by non-acceptance. If he do not, the holder shall lose his right of recourse against the drawer and indorsers.

43. *Dishonoured by non-acceptance and its consequences.* (1) A bill is dishonoured by non-acceptance—

- (a.) When it is duly presented for acceptance, and such an acceptance as is prescribed by this Act is refused or cannot be obtained; or
- (b.) When presentment for acceptance is excused and the bill is not accepted.

(2.) Subject to the provisions of this Act when a bill is dishonoured by non-acceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary.

44. *Duties as to qualified acceptances.* (1.) The holder of a bill may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance may treat the bill as dishonoured by non-acceptance.

(2.) Where a qualified acceptance is taken, and the drawer or an indorser has not expressly or impliedly authorised the holder to take a qualified acceptance, or does not subsequently assent thereto, such drawer or indorser is discharged from his liability on the bill.

The provisions of this sub-section do not apply to a partial acceptance, whereof due notice has been given. Where a foreign bill has been accepted as to part, it must be protested as to the balance.

(3.) When the drawer or indorser of a bill receives notice of a qualified acceptance, and does not within a reasonable time express his dissent to the holder, he shall be deemed to have assented thereto.

45. *Rules as to presentment for payment.* Subject to the provisions of this Act a bill must be duly presented for payment. If it be not so presented the drawer and indorsers shall be discharged.

A bill is duly presented for payment which is presented in accordance with the following rules:—

- (1.) Where the bill is not payable on demand, presentment must be made on the day it falls due.
- (2.) Where the bill is payable on demand, then, subject to the provisions of this Act, presentment must be made within a reasonable time after its issue in order to render the

drawer liable, and within a reasonable time after its indorsement, in order to render the indorser liable.

In determining what is a reasonable time, regard shall be had to the nature of the bill, the usage of the trade with regard to similar bills, and the facts of the particular case.

- (3.) Presentment must be made by the holder or by some person authorised to receive payment on his behalf at a reasonable hour on a business day, at the proper place as hereinafter defined, either to the person designated by the bill as payer, or to some person authorised to pay or refuse payment on his behalf if with the exercise of reasonable diligence such person can there be found.

(4.) A bill is presented at the proper place:—

- (a.) Where a place of payment is specified in the bill and the bill is there presented.
- (b.) Where no place of payment is specified, but the address of the drawee or acceptor is given in the bill, and the bill is there presented.
- (c.) Where no place of payment is specified and no address given, and the bill is presented at the drawee's or acceptor's place of business if known, and if not, at his ordinary residence if known.
- (d.) In any other case if presented to the drawee or acceptor wherever he can be found, or if presented at his last known place of business or residence.

(5.) Where a bill is presented at the proper place, and after the exercise of reasonable diligence no person authorised to pay or refuse payment can be found there, no further presentment to the drawee or acceptor is required.

(6.) Where a bill is drawn upon, or accepted by two or more persons who are not partners, and no place of payment is specified, presentment must be made to them all.

(7.) Where the drawee or acceptor of a bill is dead, and no place of payment is specified, presentment must be made to a personal representative, if such there be, and with the exercise of reasonable diligence he can be found.

(8.) Where authorised by agreement or usage a presentment through the post office is sufficient.

46. *Excuses for delay or non-presentment for payment.* (1.) Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate presentment must be made with reasonable diligence.

(2.) Presentment for payment is dispensed with,—

- (a.) Where, after the exercise of reasonable diligence presentment, as required by this Act, cannot be effected.
- The fact that the holder has reason to believe that the bill will, on presentment, be dishonoured, does not dispense with the necessity for presentment.

(b.) Where the drawee is a fictitious person.

(c.) As regards the drawer where the drawee or acceptor is not bound, as between himself and the drawer, to accept or pay the bill, and the drawer has no reason to believe that the bill would be paid if presented.

(d.) As regards an indorser, where the bill was accepted or made for the accommodation of that indorser, and he has no reason to expect that the bill would be paid if presented.

(e.) By waiver of presentment, express or implied.

47. *Dishonour by non-payment.* (1) A bill is dishonoured by non-payment (a) when it is duly presented for payment and payment is refused or cannot be obtained, or (b) when presentment is excused and the bill is overdue and unpaid.

(2.) Subject to the provisions of this Act, when a bill is dishonoured by nonpayment, an immediate right of recourse against the drawer and indorsers accrues to the holder.

48. *Notice of dishonour and effect of non-notice.* Subject to the provisions of this Act, when a bill has been dishonoured by non-acceptance or by non-payment, notice of dishonour must be given to the drawer and each indorser, and any drawer or

indorser to whom such notice is not given is discharged; Provided that—

(1) Where a bill is dishonoured by non-acceptance, and notice of dishonour is not given, the rights of a holder in due course subsequent to the omission, shall not be prejudiced by the omission.

(2.) Where a bill is dishonoured by non-acceptance, and due notice of dishonour is given, it shall not be necessary to give notice of a subsequent dishonour by non-payment unless the bill shall in the meantime have been accepted.

49. *Rules as to notice of dishonour.* Notice of dishonour in order to be valid and effectual must be given in accordance with the following rules:—

(1.) The notice must be given by or on behalf of the holder, or by or on behalf of an indorser who, at the time of giving it, is himself liable on the bill.

(2.) Notice of dishonour may be given by an agent either in his own name, or in the name of any party entitled to give notice whether that party be his principal or not.

(3.) Where the notice is given by or on behalf of the holder, it endures for the benefit of all subsequent holders and all prior indorsers who have a right of recourse against the party to whom it is given.

(4.) Where notice is given by or on behalf of an indorser entitled to give notice as hereinafter provided, it endures for the benefit of the holder and all indorsers subsequent to the party to whom notice is given.

(5.) The notice may be given in writing or by personal communication, and may be given in any terms which sufficiently identify the bill, and intimate that the bill has been dishonoured by non-acceptance or non-payment.

(6.) The return of a dishonoured bill to the drawer or an indorser is, in point of form, deemed a sufficient notice of dishonour.

(7.) A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the bill shall not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

(8.) Where notice of dishonour is required to be given to any person, it may be given either to the party himself, or to his agent in that behalf.

(9.) Where the drawer or indorser is dead, and the party giving notice knows it, the notice must be given to a personal representative if such there be, and with the exercise of reasonable diligence he can be found.

(10.) Where the drawer or indorser is bankrupt, notice may be given either to the party himself or to the trustee.

(11.) Where there are two or more drawers or indorsers who are not partners, notice must be given to each of them, unless one of them has authority to receive such notice for the others.

(12.) The notice may be given as soon as the bill is dishonoured and must be given within a reasonable time thereafter.

In the absence of special circumstances notice is not deemed to have been given within a reasonable time, unless—

(a.) where the person giving and the person to receive notice reside in the same place, the notice is given or sent off in time to reach the latter on the day after the dishonour of the bill.

(b.) where the person giving and the person to receive notice reside in different places, the notice is sent off on the day after the dishonour of the bill, if there be a post at a convenient hour on that day, and if there be on such post on that day then by the next post thereafter.

(13.) Where a bill when dishonoured is in the hands of an agent, he may either himself give notice to the parties liable on the bill, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

(14.) Where a party to a bill receives due notice of dishonour, he has after the receipt of such



notice the same period of time for giving notice to antecedent parties that the holder has after the dishonour.

- (15.) Where a notice of dishonour is duly addressed and posted, the sender is deemed to have given due notice of dishonour, notwithstanding any miscarriage by the post office.

50. *Excuses for non-notice and delay.* (1.) Delay in giving notice of dishonour is excused where the delay is caused by circumstances beyond the control of the party giving notice, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the notice must be given with reasonable diligence.

(2.) Notice of dishonour is dispensed with—

(a.) When, after the exercise of reasonable diligence, notice as required by this Act cannot be given to, or does not reach the drawer or indorser sought to be charged:

(b.) By waiver express or implied. Notice of dishonour may be waived before the time of giving notice has arrived, or after the omission to give due notice:

(c.) As regards the drawer in the following cases, namely, (1) where drawer and drawee are the same person, (2) where the drawee is a fictitious person or a person not having capacity to contract, (3) where the drawer is the person to whom the bill is presented for payment, (4) where the drawee or acceptor is as between himself and the drawer under no obligation to accept or pay the bill, (5) where the drawer has countermanded payment:

(d.) As regards the indorser in the following cases, namely, (1) where the drawee is a fictitious person or a person not having capacity to contract and the indorser was aware of the fact at the time he indorsed the bill, (2) where the indorser is the person to whom the bill is presented for payment, (3) where the bill was accepted or made for his accommodation.

51. *Noting or protest of bill.* (1.) Where an inland bill has been dishonoured it may, if the holder think fit, be noted for non-acceptance or non-payment, as the case may be; but it shall not be necessary to note or protest any such bill in order to preserve the recourse against the drawer or indorser.

(2.) Where a foreign bill, appearing on the face of it to be such, has been dishonoured by non-acceptance it must be duly protested for non-acceptance, and where such a bill, which has not been previously dishonoured by non-acceptance, is dishonoured by non-payment, it must be duly protested for non-payment. If it be not so protested the drawer and indorsers are discharged. Where a bill does not appear on the face of it to be a foreign bill, protest thereof in case of dishonour is unnecessary.

(3.) A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

(4.) Subject to the provisions of this Act, when a bill is noted or protested, it must be noted on the day of its dishonour. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

(5.) Where the acceptor of a bill becomes bankrupt or insolvent or suspends payment before it matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

(6.) A bill must be protested at the place where it is dishonoured: Provided that—

(a.) When a bill is presented through the post office and returned by post dishonoured, it may be protested at the place to which it is returned, and on the day of its return if received during business hours, and if not received during business hours, then not later than the next business day:

(b.) When a bill drawn payable at the place of business or residence of some person other than the drawer, has been dishonoured by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

(7.) A protest must contain a copy of the bill, and must be signed by the notary making it, and must specify—

(a.) The person at whose request the bill is protested:

(b.) The place and date of protest, the cause or reason for protesting the bill, the demand made, and the answer given, if any, or the fact that the drawee or acceptor could not be found.

(8.) Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

(9.) Protest is dispensed with by any circumstance which would dispense with notice of dishonour. Delay in noting or protesting is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

52. *Duties of holder as regards drawee or acceptor.*

(1.) When a bill is accepted generally presentment for payment is not necessary in order to render the acceptor liable.

(2.) When by the terms of a qualified acceptance presentment for payment is required, the acceptor, in the absence of an express stipulation to that effect, is not discharged by the omission to present the bill for payment on the day that it matures.

(3.) In order to render the acceptor of a bill liable it is not necessary to protest it, or that notice of dishonour should be given to him.

(4.) Where the holder of a bill presents it for payment, he shall exhibit the bill to the person from whom he demands payment, and when a bill is paid the holder shall forthwith deliver it up to the party paying it.

#### *Liabilities of Parties.*

53. *Funds in hands of drawee.* (1.) A bill, of itself, does not operate as an assignment of funds in the hands of the drawee available for the payment thereof, and the drawee of a bill who does not accept as required by this Act is not liable on the instrument. This sub-section shall not extend to Scotland.

(2.) In Scotland, where the drawee of a bill has in his hands funds available for the payment thereof, the bill operates as an assignment of the sum for which it is drawn in favour of the holder, from the time when the bill is presented to the drawee.

54. *Liability of acceptor.* The acceptor of a bill, by accepting it—

(1.) Engages that he will pay it according to the tenor of his acceptance:

(2.) Is precluded from denying to a holder in due course:

(a.) The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the bill;

(b.) In the case of a bill payable to drawer's order, the then capacity of the drawer to indorse, but not the genuineness or validity of his indorsement;

(c.) In the case of a bill payable to the order of a third person, the existence of the payee and his then capacity to indorse, but not the genuineness or validity of his indorsement;

55. *Liability of drawer or indorser.* (1.) The drawer of a bill by drawing it—

(a.) Engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonoured he will compensate the holder or any indorser who is compelled to pay it, provided that the requisite proceedings on dishonour be duly taken;

(b.) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

(2.) The indorser of a bill by indorsing it—

(a.) Engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonoured he will compensate the holder or a subsequent indorser who is compelled to pay it, provided that the requisite proceedings on dishonour be duly taken;

(b.) Is precluded from denying to a holder in due course the genuineness and regularity in all respects of the drawer's signature and all previous indorsements;

(c.) Is precluded from denying to his immediate or a subsequent indorsee that the bill was at the time of his indorsement a valid and subsisting bill, and that he had then a good title thereto.

56. *Stranger signing bill liable as indorser.* Where a person signs a bill otherwise than as drawer or acceptor, he thereby incurs the liabilities of an indorser to a holder in due course.

57. *Measure of damages against parties to dishonoured bill.* Where a bill is dishonoured, the measure of damages, which shall be deemed to be liquidated damages, shall be as follows:

(1.) The holder may recover from any party liable on the bill, and the drawer who has been compelled to pay the bill may recover from the acceptor, and an indorser who has been compelled to pay the bill may recover from the acceptor or from the drawer, or from a prior indorser—

(a.) The amount of the bill:

(b.) Interest thereon from the time of presentment for payment if the bill is payable on demand, and from the maturity of the bill in any other case:

(c.) The expenses of noting, or, when protest is necessary, and the protest has been extended, the expenses of protest.

(2.) In the case of a bill which has been dishonoured abroad, in lieu of the above damages, the holder may recover from the drawer or an indorser, and the drawer or an indorser who has been compelled to pay the bill may recover from any party liable to him, the amount of the re-exchange with interest thereon until the time of payment.

(3.) Where by this Act interest may be recovered as damages, such interest may, if justice requires it, be withheld wholly or in part, and where a bill is expressed to be payable with interest at a given rate, interest as damages may or may not be given at the same rate as interest proper.

58. *Transferor by delivery and transferee.* (1.) Where the holder of a bill payable to bearer negotiates it by delivery without indorsing it, he is called a "transferor by delivery."

(2.) A transferor by delivery is not liable on the instrument.

(3.) A transferor by delivery who negotiates a bill thereby warrants to his immediate transferee being a holder for value that the bill is what it purports to be, that he has a right to transfer it, and that at the time of transfer he is not aware of any fact which renders it valueless.

#### *Discharge of Bill.*

59. *Payment in due course.* (1.) A bill is discharged by payment in due course by or on behalf of the drawee or acceptor.

"Payment in due course" means payment made at or after the maturity of the bill to the holder thereof in good faith and without notice that his title to the bill is defective.

(3.) Subject to the provisions herein-after contained, when a bill is paid by the drawer or an indorser it is not discharged; but

(a.) Where a bill payable to, or to the order of, a third party is paid by the drawer, the drawer may enforce payment thereof against the acceptor, but may not re-issue the bill.

(b.) Where a bill is paid by an indorser, or where a bill payable to drawer's order is paid by the drawer, the party paying it is remitted to his former rights as regards the acceptor or antecedent parties, and he may, if he thinks fit, strike out his own and subsequent indorsements, and again negotiate the bill.

(3.) Where an accommodation bill is paid in due course by the party accommodated the bill is discharged.

60. *Banker paying demand draft whereon indorsement is forged.* When a bill payable to order on demand is drawn on a banker, and the banker on whom it is drawn pays the bill in good faith and in the ordinary course of business, it is not incumbent on the banker to show that the indorsement of the payee or any subsequent indorsement was made by or under the authority of the person whose indorsement it purports to be, and the banker is deemed to have

paid the bill in due course, although such indorsement has been forged or made without authority.

61. *Acceptor the holder at maturity.*] When the acceptor of a bill is or becomes the holder of it at or after its maturity, in his own right, the bill is discharged.

62. *Express waiver.*] (1.) When the holder of a bill at or after its maturity absolutely and unconditionally renounces his rights against the acceptor the bill is discharged.

The renunciation must be in writing, unless the bill is delivered up to the acceptor.

(2.) The liabilities of any party to a bill may in like manner be renounced by the holder before, at, or after its maturity; but nothing in this section shall affect the rights of a holder in due course without notice of the renunciation.

63. *Cancellation.*] (1.) Where a bill is intentionally cancelled by the holder or his agent, and the cancellation is apparent thereon, the bill is discharged.

(2.) In like manner any party liable on a bill may be discharged by the intentional cancellation of his signature by the holder or his agent. In such case any indorser who would have had a right of recourse against the party whose signature is cancelled, is also discharged.

(3.) A cancellation may unintentionally, or under a mistake, or without the authority of the holder is inoperative; but where a bill or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

64. *Alteration of bill.*] (1.) Where a bill or acceptance is materially altered without the assent of all parties liable on the bill, the bill is avoided except as against a party who has himself made, authorised, or assented to the alteration, and subsequent indorsers.

Provided that,

Where a bill has been materially altered, but the alteration is not apparent, and the bill is in the hands of a holder in due course, such holder may avail himself of the bill as if it had not been altered, and may enforce payment of it according to its original tenor.

(2.) In particular the following alterations are material, namely, any alteration of the date, the sum payable, the time of payment, the place of payment, and, where a bill has been accepted generally, the addition of a place of payment without the acceptor's assent.

#### *Acceptance and Payment for Honour.*

65. *Acceptance for honour supra protest.*] (1.) Where a bill of exchange has been protested for dishonour by non-acceptance, or protested for better security, and is not overdue, any person, not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill supra protest for the honour of any party liable thereon, or for the honour of the person for whose account the bill is drawn.

(2.) A bill may be accepted for honour for part only of the sum for which it is drawn.

(3.) An acceptance for honour supra protest in order to be valid must—

(a.) be written on the bill, and indicate that it is an acceptance for honour;

(b.) be signed by the acceptor for honour.

(4.) Where an acceptance for honour does not expressly state for whose honour it is made, it is deemed to be an acceptance for the honour of the drawer.

(5.) Where a bill payable after sight is accepted for honour, its maturity is calculated from the date of the noting for non-acceptance, and not from the date of the acceptance for honour.

66. *Liability of acceptor for honour.*] (1.) The acceptor for honour of a bill by accepting it engages that he will, on due presentment, pay the bill according to the tenor of his acceptance, if it is not paid by the drawee, provided it has been duly presented for payment, and protested for non-payment, and that he receives notice of these facts.

(2.) The acceptor for honour is liable to the holder and to all parties to the bill subsequent to the party for whose honour he has accepted.

67. *Presentment to acceptor for honour.*] (1.) Where a dishonoured bill has been accepted for honour supra

protest, or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honour, or referee in case of need.

(2.) Where the address of the acceptor for honour is in the same place where the bill is protested for non-payment, the bill must be presented to him not later than the day following its maturity; and where the address of the acceptor for honour is in some place other than the place where it was protested for non-payment the bill must be forwarded not later than the day following its maturity for presentment to him.

(3.) Delay in presentment or non-presentment is excused by any circumstance which would excuse delay in presentment for payment or non-presentment for payment.

(4.) When a bill of exchange is dishonoured by the acceptor for honour it must be protested for non-payment by him.

68. *Payment for honour supra protest.*] (1.) Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honour of any party liable thereon, or for the honour of the person for whose account the bill is drawn.

(2.) Where two or more persons offer to pay a bill for the honour of different parties, the person whose payment will discharge most parties to the bill shall have the preference.

(3.) Payment for honour supra protest, in order to operate as such and not as a mere voluntary payment, must be attested by a notarial act of honour which may be appended to the protest or form an extension of it.

(4.) The notarial act of honour must be founded on a declaration made by the payer for honour, or his agent in that behalf, declaring his intention to pay the bill for honour, and for whose honour he pays.

(5.) Where a bill has been paid for honour, all parties subsequent to the party for whose honour it is paid are discharged, but the payer for honour is subrogated for, and succeeds to both the rights and duties of, the holder as regards the party for whose honour he pays, and all parties liable to that party.

(6.) The payer for honour on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonour is entitled to receive both the bill itself and the protest. If the holder do not on demand deliver them up he shall be liable to the payer for honour in damages.

(7.) Where the holder of a bill refuses to receive payment supra protest he shall lose his right of recourse against any party who would have been discharged by such payment.

#### *Lost Instruments.*

69. *Holder's right to duplicate of lost bill.*] Where a bill has been lost before it is overdue, the person who was the holder of it may apply to the drawer to give him another bill of the same tenor, giving security to the drawer if required to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again.

If the drawer on request as aforesaid refuses to give such duplicate bill he may be compelled to do so.

70. *Action on lost bill.*] In any action or proceeding upon a bill, the court or a judge may order that the loss of the instrument shall not be set up, provided an indemnity be given to the satisfaction of the court or judge against the claims of any other person upon the instrument in question.

#### *Bill in a Set.*

71. *Rules as to sets.*] (1.) Where a bill is drawn in a set, each part of the set being numbered, and containing a reference to the other parts, the whole of the parts constitute one bill.

(2.) Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed as if the said parts were separate bills.

(3.) Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders deemed the true owner of the bill; but nothing in this sub-section shall affect the rights of a person

who in due course accepts or pays the part first presented to him.

(4.) The acceptance may be written on any part, and it must be written on one part only.

If the drawee accepts more than one part, and such accepted parts get into the hands of different holders in due course, he is liable on every such part as if it were a separate bill.

(5.) When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereof.

(6.) Subject to the preceding rules, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

#### *Conflict of Laws.*

72. *Rules where laws conflict.*] Where a bill drawn in one country is negotiated, accepted, or payable in another, the rights, duties, and liabilities of the parties thereto are determined as follows:—

(1.) The validity of a bill as regards requisites in form is determined by the law of the place of issue, and the validity as regards requisites in form of the supervening contracts, such as acceptance, or indorsement, or acceptance supra protest, is determined by the law of the place where such contract was made.

Provided that—

(a.) Where a bill is issued out of the United Kingdom it is not invalid by reason only that it is not stamped in accordance with the law of the place of issue;

(b.) Where a bill, issued out of the United Kingdom, conforms, as regards requisites in form, to the law of the United Kingdom, it may, for the purpose of enforcing payment thereof, be treated as valid as between all persons who negotiate, hold, or become parties to it in the United Kingdom.

(2.) Subject to the provisions of this Act, the interpretation of the drawing, indorsement, acceptance, or acceptance supra protest of a bill, is determined by the law of the place where such contract is made.

Provided that where an inland bill is indorsed in a foreign country the indorsement shall as regards the payer be interpreted according to the law of the United Kingdom.

(3.) The duties of the holder with respect to presentment for acceptance or payment and the necessity for or sufficiency of a protest or notice of dishonour, or otherwise, are determined by the law of the place where the act is done or the bill is dishonoured.

(4.) Where a bill is drawn out of but payable in the United Kingdom and the sum payable is not expressed in the currency of the United Kingdom, the amount shall, in the absence of some express stipulation, be calculated according to the rate of exchange for sight drafts at the place of payment on the day the bill is payable.

(5.) Where a bill is drawn in one country and is payable in another, the due date thereof is determined according to the law of the place where it is payable.

### PART III.

#### CHEQUES ON A BANKER.

73. *Cheque defined.*] A cheque is a bill of exchange drawn on a banker payable on demand.

Except as otherwise provided in this Part, the provisions of this Act applicable to a bill of exchange payable on demand apply to a cheque.

74. *Presentment of cheque for payment.*] Subject to the provisions of this Act:—

(1.) Where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or the person on whose account it is drawn had the right at the time of such presentment as between him and the banker to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of such banker to a larger amount



than he would have been had such cheque been paid.

(2.) In determining what is a reasonable time regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case.

(3.) The holder of such cheque as to which such drawer or person is discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge, and entitled to recover the amount from him.

75. *Revocation of banker's authority.*] The duty and authority of a banker to pay a cheque drawn on him by his customer are determined by—

- (1.) Countermand of payment;
- (2.) Notice of the customer's death.

*Crossed Cheques.*

76. *General and special crossings defined.*] (1.) Where a cheque bears across its face an addition of—

(a.) The words "and company" or any abbreviation thereof between two parallel transverse lines, either with or without the words "not negotiable"; or

(b.) Two parallel transverse lines simply, either with or without the words "not negotiable"; that addition constitutes a crossing, and the cheque is crossed generally.

(2.) Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition constitutes a crossing, and the cheque is crossed specially and to that banker.

77. *Crossing by drawer or after issue.*] (1.) A cheque may be crossed generally or specially by the drawer.

(2.) Where a cheque is uncrossed, the holder may cross it generally or specially.

(3.) Where a cheque is crossed generally the holder may cross it specially.

(4.) Where a cheque is crossed generally or specially, the holder may add the words "not negotiable."

(5.) Where a cheque is crossed specially the banker to whom it is crossed may again cross it specially to another banker for collection.

(6.) Where an uncrossed cheque, or a cheque crossed generally, is sent to a banker for collection, he may cross it specially to himself.

78. *Crossing a material part of cheque.*] (1.) A crossing authorised by this Act is a material part of the cheque; it shall not be lawful for any person to obliterate or, except as authorised by this Act, to add to or alter the crossing.

79. *Duties of banker as to crossed cheques.*] (1.) Where a cheque is crossed specially to more than one banker except when crossed to an agent for collection being a banker, the banker on whom it is drawn shall refuse payment thereof.

(2.) Where the banker on whom a cheque is drawn which is so crossed nevertheless pays the same, or pays a cheque crossed generally otherwise than to a banker, or if crossed specially otherwise than to the banker to whom it is crossed, or his agent for collection being a banker, he is liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid.

Provided that where a cheque is presented for payment which does not at the time of presentment appear to be crossed, or to have had a crossing which has been obliterated, or to have been added to or altered otherwise than as authorised by this Act, the banker paying the cheque in good faith and without negligence shall not be responsible or incur any liability, nor shall the payment be questioned by reason of the cheque having been crossed, or of the crossing having been obliterated or having been added to or altered otherwise than as authorised by this Act, and of payment having been made otherwise than to a banker or to the banker to whom the cheque is or was crossed, or to his agent for collection being a banker, as the case may be.

80. *Protection to banker and drawer where cheque is crossed.*] Where the banker, on whom a crossed cheque is drawn, in good faith and without negligence pays it, if crossed generally, to a banker, and if crossed specially, to the banker to whom it is

crossed, or his agent for collection being a banker, the banker paying the cheque, and, if the cheque has come into the hands of the payee, the drawer, shall respectively be entitled to the same rights and be placed in the same position as if payment of the cheque had been made to the true owner thereof.

81. *Effect of crossing on holder.*] Where a person takes a cheque which bears on it the words "not negotiable," he shall not have and shall not be capable of giving a better title to the cheque than that which the person from whom he took it had.

82. *Protection to collecting banker.*] Where a banker in good faith and without negligence receives payment for a customer of a cheque crossed generally or specially to himself, and the customer has no title or a defective title thereto, the banker shall not incur any liability to the true owner of the cheque by reason only of having received such payment.

PART IV.

PROMISSORY NOTES.

83. *Promissory note defined.*] (1.) A promissory note is an unconditional promise in writing made by one person to another signed by the maker, engaging to pay, on demand, or at a fixed or determinable future time, a sum certain in money, to, or to the order of, a specified person or to bearer.

(2.) An instrument in the form of a note payable to maker's order is not a note within the meaning of this section unless and until it is indorsed by the maker.

(3.) A note is not invalid by reason only that it contains also a pledge of collateral security with authority to sell or dispose thereof.

(4.) A note which is, or on the face of it purports to be, both made and payable within the British Islands is an inland note. Any other note is a foreign note.

84. *Delivery necessary.*] A promissory note is inchoate and incomplete until delivery thereof to the payee or bearer.

85. *Joint and several notes.*] (1.) A promissory note may be made by two or more makers, and they may be liable thereon jointly, or jointly and severally according to its tenour.

(2.) Where a note runs "I promise to pay" and is signed by two or more persons it is deemed to be their joint and several note.

86. *Note payable on demand.*] (1.) Where a note payable on demand has been indorsed, it must be presented for payment within a reasonable time of the indorsement. If it be not so presented the indorser is discharged.

(2.) In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade, and the facts of the particular case.

(3.) Where a note payable on demand is negotiated, it is not deemed to be overdue, for the purpose of affecting the holder with defects of title of which he had no notice, by reason that it appears that a reasonable time for presenting it for payment has elapsed since its issue.

87. *Presentment of note for payment.*] (1.) Where a promissory note is in the body of it made payable as a particular place, it must be presented for payment at that place in order to render the maker liable. In any other case, presentment for payment is not necessary in order to render the maker liable.

(2.) Presentment for payment is necessary in order to render the indorser of a note liable.

(3.) Where a note is in the body of it made payable at a particular place, presentment at that place is necessary in order to render an indorser liable; but when a place of payment is indicated by way of memorandum only, presentment at that place is sufficient to render the indorser liable, but a presentment to the maker elsewhere, if sufficient in other respects, shall also suffice.

88. *Liability of maker.*] The maker of a promissory note by making it—

(1.) Engages that he will pay it according to its tenour;

(2.) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

89. *Application of Part II. to notes.*] (1.) Subject to the provisions in this part, and except as by this section provided, the provisions of this Act relating to bills of exchange apply, with the necessary modifications, to promissory notes.

(2.) In applying those provisions the maker of a note shall be deemed to correspond with the acceptor of a bill, and the first indorser of a note shall be deemed to correspond with the drawer of an accepted bill payable to drawer's order.

(3.) The following provisions as to bills do not apply to notes; namely, provisions relating to—

- (a.) Presentment for acceptance;
- (b.) Acceptance;
- (c.) Acceptance *supra protest*;
- (d.) Bills in a set.

(4.) Where a foreign note is dishonoured, protest thereof is unnecessary.

PART V.

SUPPLEMENTARY.

90. *Good faith.*] A thing is deemed to be done in good faith, within the meaning of this Act, where it is in fact done honestly, whether it is done negligently or not.

91. *Signature.*] (1.) Where, by this Act, any instrument or writing is required to be signed by any person, it is not necessary that he should sign it with his own hand, but it is sufficient if his signature is written thereon by some other person by or under his authority.

(2.) In the case of a corporation, where, by this Act, any instrument or writing is required to be signed, it is sufficient if the instrument or writing be sealed with the corporate seal.

But nothing in this section shall be construed as requiring the bill or note of a corporation to be under seal.

92. *Computation of time.*] Where, by this Act, the time limited for doing any act or thing is less than three days, in reckoning time, non-business days are excluded.

"Non-business days" for the purposes of this Act mean—

- (a.) Sunday, Good Friday, Christmas Day;
- (b.) A bank holiday under the Bank Holidays Act, 1871, or Acts amending it;
- (c.) A day appointed by Royal proclamation as a public fast or thanksgiving day.

Any other day is a business day.

93. *When noting equivalent to protest.*] For the purposes of this Act, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting.

94. *Protest when notary not accessible.*] Where a dishonoured bill or note is authorised or required to be protested, and the services of a notary cannot be obtained at the place where the bill is dishonoured, any household or substantial resident of the place may, in the presence of two witnesses, give a certificate, signed by them, attesting the dishonour of the bill, and the certificate shall in all respects operate as if it were a formal protest of the bill.

The form given in Schedule 1 to this Act may be used with necessary modifications, and if used shall be sufficient.

95. *Dividend warrants may be crossed.*] The provisions of this Act as to crossed cheques shall apply to a warrant for payment of dividend.

96. *Repeal.*] The enactments mentioned in the second schedule to this Act are hereby repealed as from the commencement of this Act to the extent in that schedule mentioned.

Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

97. *Savings.*] (1.) The rules in bankruptcy relating to bills of exchange, promissory notes, and cheques, shall continue to apply thereto notwithstanding anything in this Act contained.

(2.) The rules of common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to bills of exchange, promissory notes, and cheques.

(3.) Nothing in this Act or in any repeal effected thereby shall affect—

(a.) The provisions of the Stamp Act, 1870, or Acts amending it, or any law or enactment for the time being in force relating to the revenue;

(b.) The provisions of the Companies Act, 1862, or Acts amending it, or any Act relating to joint stock banks or companies;

(c.) The provisions of any Act relating to or confirming the privileges of the Bank of England or the Bank of Ireland respectively;

(d.) The validity of any usage relating to dividend warrants or the indorsements thereof.

98. *Saving of summary diligence in Scotland.* Nothing in this Act or in any repeal effected thereby shall extend or restrict, or in any way alter or affect the law and practice in Scotland in regard to summary diligence.

99. *Construction with other Acts, &c.* Where any Act or document refers to any enactment repealed by this Act, the Act or document shall be construed, and shall operate, as if it referred to the corresponding provisions of this Act.

100. *Parole evidence allowed in certain judicial proceedings in Scotland.* In any judicial proceeding in Scotland, any fact relating to a bill of exchange, bank cheque, or promissory note, which is relevant to any question of liability thereon, may be proved by parole evidence: Provided that this enactment shall not in any way affect the existing law and practice whereby the party who is, according to the tenor of any bill of exchange, bank cheque, or promissory note, debtor to the holder in the amount thereof, may be required, as a condition of obtaining a writ of diligence, or suspension of a charge, or threatened charge, to make such consignment, or to find such caution as the court or judge before whom the cause is depending may require.

This section shall not apply to any case where the bill of exchange, bank cheque, or promissory note has undergone the biennial prescription.

#### SCHEDULES.

##### FIRST SCHEDULE.

Form of protest which may be used when the services of a notary cannot be obtained.

Know all men that I, A.B. [householder], of in the county of , in the United Kingdom, at the request of C.D., there being no notary public available, did on the day of 188 at demand payment [or acceptance] of the bill of exchange hereunder written, from E.F., to which demand he made answer [state answer, if any] wherefore I now, in the presence of G.H. and J.K. do protest the said bill of exchange.

(Signed) A.B.  
G.H. } Witnesses.  
J.K. }

N.B.—The bill itself should be annexed, or a copy of the bill and all that is written thereon should be underwritten.

##### SECOND SCHEDULE.

###### ENACTMENTS REPEALED.

Session and Chapter.	Title of Act and extent of Repeal.
9 Will. 3. c. 17 ...	An Act for the better payment of Inland Bills of Exchange.
3 & 4 Anne, c. 8 ...	An Act for giving like remedy upon Promissory Notes as is now used upon Bills of Exchange, and for the better payment of Inland Bills of Exchange.
17 Geo. 3. c. 30 ...	An Act for further restraining the negotiation of promissory notes and inland bills of exchange under a limited sum within that part of Great Britain called England.
39 & 40 Geo. 3. c. 42	An Act for the better observance of Good Friday in certain cases therein mentioned.

Session and Chapter.	Title of Act and extent of Repeal.
48 Geo. 3. c. 88 ...	An Act to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange under a Limited sum in England.
1 & 2 Geo. 4. c. 78	An Act to regulate Acceptances of Bills of Exchange.
7 & 8 Geo. 4. c. 15	An Act for declaring the law in relation to Bills of Exchange and Promissory Notes becoming payable on Good Friday or Christmas Day.
9 Geo. 4. c. 24 ...	An Act to repeal certain Acts, and to consolidate and amend the laws relating to bills of exchange and promissory notes in Ireland. in part; that is to say, Sections two, four, seven, eight, nine, ten, eleven.
2 & 3 Will. 4. c. 98	An Act for regulating the protesting for nonpayment of Bills of Exchange drawn payable at a place not being the place of the residence of the drawee or drawees of the same.
6 & 7 Will. 4. c. 58	An Act for declaring the law as to the day on which it is requisite to present for payment to Acceptor or Acceptors supra protest for honour, or to the Referee or Referees, in case of need, Bills of Exchange which have been dishonoured.
8 & 9 Vict. c. 37... in part.	An Act to regulate the issue of bank notes in Ireland, and to regulate the repayment of certain sums advanced by the Governor and Company of the Bank of Ireland for the public service, in part; that is to say, Section twenty-four.
19 & 20 Vict. c. 97 in part.	The Mercantile Law Amendment Act, 1856. in part; that is to say, Sections six and seven.
23 & 24 Vict. c. 111 in part.	An Act for granting to Her Majesty certain duties of stamps, and to amend the laws relating to the stamp duties, in part; that is to say, Section nineteen.
34 & 35 Vict. c. 74	An Act to abolish days of grace in the case of bills of exchange and promissory notes payable at sight or on presentation.
39 & 40 Vict. c. 81	The Crossed Cheques Act, 1876.
41 & 42 Vict. c. 13	The Bills of Exchange Act, 1878.
ENACTMENT REPEALED AS TO SCOTLAND.	
19 & 20 Vict. c. 60 in part.	The Mercantile Law (Scotland) Amendment Act, 1856, in part; that is to say, Sections ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen.
CAP. LXII.	
An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland and the Irish Land Commission; and for other purposes relating to Loans by those Commissioners. [18th August 1882.]	
CAP. LXIII.	
An Act to amend the Acts regulating the pay of certain officers of the Royal Irish Constabulary Force, and for other purposes connected therewith. [18th August 1882.]	
CAP. LXIV.	
An Act to continue various expiring laws. [18th August 1882.]	
CAP. LXV.	
An Act to make provision respecting certain Prison Charities. [18th August 1882.]	

#### CAP. LXVI.

An Act to amend the Law relating to Licences to retail Intoxicating Liquors on Passenger Vessels in Scotland.  
[18th August 1882.]

#### CAP. LXVII.

An Act to further amend the Law relating to Turnpike Roads in South Wales.  
[18th August 1882.]

#### CAP. LXVIII.

An Act to suspend for a limited period, on account of Corrupt Practices, the holding of an Election of a Member or Members to serve in Parliament for certain cities and boroughs.  
[18th August 1882.]

Whereas, in pursuance of addresses to Her Majesty from both Houses of Parliament in relation to election of members to serve in Parliament for the cities and boroughs mentioned in the schedule to this Act, commissioners were appointed by commissions, dated the ninth day of September one thousand eight hundred and eighty, for the purpose of making inquiry into the existence of corrupt practices at the elections of members to serve in Parliament for the said cities and boroughs:

And whereas the said commissioners have respectively reported as regards the existence of corrupt practices to the effect in the second column of the said schedule mentioned:

And whereas it is expedient, with a view to the future consideration of the cases by Parliament, to provide temporarily for the suspension of elections in the said cities and boroughs:

Be it therefore enacted, &c.:

1. *Short title* ] This Act may be cited as the Corrupt Practices (Suspension of Elections) Act, 1882.

2. *Suspension of elections in certain cities and boroughs.* An election of a member or members to serve in Parliament for any of the cities or boroughs mentioned in the schedule to this Act shall not be held until the expiration of seven days after the meeting of Parliament in the year one thousand eight hundred and eighty-three.

#### SCHEDULE.

##### CITIES AND BOROUGHES REFERRED TO.

Name of City or Borough.	Report of Commissioners as to prevalence of corrupt practices.
Boston	Corrupt practices prevailed very extensively at the election of 1880. . . . It was stated as an undoubted fact that all elections, both parliamentary and municipal, have for a long time past been corrupt.
Canterbury	Corrupt practices extensively prevailed at the elections of 1870 and 1880.
Chester	Corrupt practices extensively prevailed at the general elections of February, 1874, and of April, 1880.
Gloucester	Corrupt practices extensively prevailed at the elections in February, 1874, and March, 1880.
Macclesfield	Corrupt practices extensively prevailed at the elections of 1866, 1868, 1874, and 1880.
Oxford	Corrupt practices were committed at the election in February, 1874, and corrupt practices extensively prevailed at the elections in March, 1874, April, 1880, and May, 1880, by way of payment of money to voters as therein mentioned.
Sandwich	In the election of May, 1880, there was practised throughout the constituency, not only indirect bribery of various kinds, but direct bribery, the most extensive and systematic. . . . Electoral corruption has long extensively prevailed in the borough.



**CAP. LXIX.**

An Act to amend the Intermediate Education (Ireland) Act, 1878. [18th August 1882.]

**CAP. LXX.**

An Act to amend the Supreme Court of Judicature Act (Ireland), 1877. [18th August 1882.]

**CAP. LXXI.**

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three, and to appropriate the Supplies granted in this Session of Parliament. [18th August 1882.]

**CAP. LXXII.**

An Act for amending the Laws relating to Customs and Inland Revenue, and Postage and other Stamps, and for making further provision respecting the National Debt and charges payable out of the public revenue or by the Commissioners for the Reduction of the National Debt, and for other purposes. [18th August 1882.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Revenue, Friendly Societies, and National Debt Act, 1882.

[SECTIONS 2-5 OF PART I., RELATE TO CUSTOMS AND EXCISE.]

6. *Person charged with an offence against section 4 of 23 & 24 Vict. c. 90, may be convicted of an offence against section 7 of 23 & 34 Vict. c. 57.*] If upon the hearing of an information exhibited against any person for recovery of the penalty imposed by the fourth section of the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter ninety, it shall be proved that such person used or carried a gun without having in force a proper licence under the Gun Licence Act, 1870, he shall not be entitled to be wholly acquitted by reason of a failure to prove an offence against the said section, but the Court before whom the said information is heard shall be at liberty to acquit him of the charge contained in the said information and convict him of an offence against the seventh section of the Gun Licence Act, 1870, and order him to pay the penalty thereby imposed.

7. *Amendment of 43 & 44 Vict. c. 19.*] Notwithstanding anything contained in the Taxes Management Act, 1880, section sixty of the Act of the session of the forty-third year of the reign of King George the Third, chapter one hundred and sixty-one, intituled "An Act for repealing the several duties under the management of the Commissioners for the Affairs of Taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licences and on carriages constructed by coachmakers, and granting new duties thereon, under the management of the said Commissioners for the Affairs of Taxes, and also new duties on persons selling carriages by auction or on commission," shall be deemed to have continued in force since the time of the passing of the said Taxes Management Act, 1880, to the same extent to which it was in force at that time.

The following portions of section fifty-nine of the Taxes Management Act, 1880, are hereby repealed; that is to say,

- (a.) In section fifty-nine, subsection (2) (b), the words "and all such orders shall be final and conclusive on all parties;"
  - (b.) In subsection (2) (d) of the same section the words "of the High Court" after the word "orders," and in subsection (4) of the same section the words "therein referred to."
- In the said section fifty-nine, subsection (2) (c), is hereby repealed as regards England and Ireland.

**PART II.**

*Stamps.*

8. *Stamp duty on grants of superannuation annuities.*] In lieu of the stamp duty chargeable thereon by virtue of the Stamp Act, 1870, there shall be

charged on any grant or contract for payment of a superannuation annuity as herein-after defined the duty following; (that is to say):— £ s. d.

For every full sum of £5 and also for any fraction less than £5 or over and above £5 or a multiple of £5 of the annuity 0 0 6

"Superannuation annuity" means a deferred life annuity granted or secured by contract to any person in consideration of annual premiums payable until he should attain any specified age, and so as to commence on his attaining that age.

9. *Exemption of certain drafts and receipts for public purposes.*] No stamp duty shall be chargeable upon the following instruments; (that is to say)

Draft or order drawn upon any banker in the United Kingdom by an officer of a public department of the State for the payment of money out of a public account.

Receipt given by an officer of a public department of the State for money paid by way of imprest or advance, or in adjustment of an account, where he derives no personal benefit therefrom.

10. *Exemption from stamp duty of certain agreements under 44 & 45 Vict. c. 49.*] No stamp duty shall be deemed to have been or to be chargeable upon an agreement entered into between a landlord and tenant pursuant to subsection six of section eight or subsection two of section twenty of the Land Law (Ireland) Act, 1881.

11. *Returns by banking companies, subject to 25 & 26 Vict. c. 89, &c.*] (1.) A banking company to which the provisions of the Companies Acts, 1862 to 1880, are applicable, having duly forwarded to the registrar of joint stock companies a list and summary as required by the second part of the Companies Act, 1862, and having added thereto a statement of the names of the several places where it carries on business, shall not, after the passing of this Act, be bound to furnish to the Commissioners of Inland Revenue any returns under the provisions of any of the enactments specified in the First Schedule to this Act.

(2.) From and after the passing of this Act the expressions "bank" and "bankers" in the Bankers Books Evidence Act, 1879, shall include any company carrying on the business of bankers to which the provisions of the Companies Acts, 1862 to 1880, are applicable, and having duly furnished to the registrar of joint stock companies a list and summary with the addition specified by this Act, and the fact of such list and summary having been duly furnished may be proved in any legal proceedings by the certificate of the registrar or any assistant registrar for the time being of joint stock companies.

12. *Power to Treasury to grant compensation for loss of fees under 44 & 45 Vict. c. 12, ss. 33 and 34.*] Where it shall be proved to the satisfaction of the Treasury that any officer of the Probate, Divorce, and Admiralty Division of the High Court of Justice in England or of the Probate and Matrimonial Division of the High Court of Justice in Ireland, or any commissary clerk or sheriff clerk in Scotland, has suffered any loss in consequence of the reduction by virtue of section thirty-three or section thirty-four of the Customs and Inland Revenue Act, 1881, of the amount of fees payable to him in the cases mentioned in such sections respectively, it shall be lawful for the Treasury to award to him out of moneys provided by Parliament such compensation, whether by way of an annual sum or gratuity, as they may think reasonable.

13. *Assimilation of certain adhesive stamps for stamp duties and postage duties.*] (1.) On and after the first day of January one thousand eight hundred and eighty-three any stamp duties of an amount not exceeding two shillings and sixpence which may legally be denoted by adhesive stamps not appropriated by any word or words on the face of them to any particular description of instrument, and any postage duties to the like amount may be denoted by the same adhesive stamps.

(2.) With a view to exhaust any adhesive postage stamps denoting an amount not exceeding two shillings and sixpence which may have been unused or unused, such stamps to a proper amount may be used to denote any stamp duties of an amount not exceeding two shillings and sixpence, which may

legally be denoted by adhesive stamps not appropriated by any word or words on the face of them to any particular description of instrument.

14. *Provision as to cancellation where two or more adhesive stamps are used for a stamp duty.*] (1.) Where two or more adhesive stamps are used to denote a stamp duty upon an instrument, such instrument is not to be deemed duly stamped unless the person upon whom the duty of cancellation is by law imposed cancels each or every stamp by writing on or across the same his name or initials or the name or initials of his firm, together with the true date of his so writing, so that both or all and every of the stamps may be effectually cancelled and rendered incapable of being used for any other instrument, or for any postal purpose, or unless it is otherwise proved that the stamps appearing on the instrument were affixed thereto at the proper time.

(2.) If any person contravenes this section he shall incur the penalty imposed by section twenty-four of the Stamp Act, 1870.

15. *Extension of interpretation of section 25 of 33 & 44 Vict. c. 97.*] Section twenty-five of the Stamp Act, 1870, shall be read as if the word "instrument" therein contained embraced a letter or cover within section twenty-three of the Post Office Duties Act, 1840, and any postal packet and the cover thereof which by the Post Office Act, 1875, is to be deemed a letter or cover within the same section, and as if the word "duty" therein contained embraced any postage duty as well as any stamp duty upon an instrument.

This section shall not exempt any person from any proceeding by indictment or otherwise for any offence which is punishable under the Post Office Acts as defined by the Post Office (Offences) Act, 1837, or otherwise by law, provided that no person shall be liable to be punished more than once for the same offence.

16. *The stamp duties granted in respect of letters patent for inventions and on the certificate of registration of a design, to be deemed public office fees and not stamp duties.*] From and after the passing of this Act the Public Offices Fees Act, 1879, shall, notwithstanding anything to the contrary therein contained, apply and be deemed to have been applicable as from the first day of April one thousand eight hundred and eighty-two, to the stamp duties granted to Her Majesty, Her heirs and successors, by an Act passed in the session holden in the sixteenth and seventeenth years of the reign of Her Majesty, intituled "An Act to substitute stamp duties for fees on passing letters patent for inventions, and to provide for the purchase for the public use of certain indexes of specifications," and also to the stamp duty of five pounds on the "certificate of registration of a design" granted to Her Majesty, Her heirs and successors, by the Stamp Act, 1870, and the said duties shall be deemed to be and to have been as from the said first day of April, fees payable in a public office and not stamp duties.

**CAP. LXXIII.**

An Act for the better protection of Ancient Monuments. [18th August 1882.]

**CAP. LXXIV.**

An Act to amend the Post Office Acts with respect to the Conveyance of Parcels. [18th August 1882.]

**CAP. LXXV.**

An Act to consolidate and amend the Acts relating to the Property of Married Women. [18th August 1882.]

Whereas it is expedient to consolidate and amend the Act of the thirty-third and thirty-fourth Victoria, chapter ninety-three, intituled "The Married Women's Property Act, 1870," and the Act of the thirty-seventh and thirty-eighth Victoria, chapter fifty, intituled "An Act to amend the Married Women's Property Act (1870)";

Be it enacted, &c. :

1. *Married women to be capable of holding property and of contracting as a feme sole.*] (1.) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same

manner as if she were a feme sole, without the intervention of any trustee.

(2.) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a feme sole, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(3.) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shown.

(4.) Every contract entered into by a married woman with respect to and to bind her separate property shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

(5.) Every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the bankruptcy laws in the same way as if she were a feme sole.

2. *Property of a woman married after the Act to be held by her as a feme sole.* Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

3. *Loans by wife to husband.* Any money or other estate of the wife lent or entrusted by her to her husband for the purpose of any trade or business carried on by him, or otherwise, shall be treated as assets of her husband's estate in case of his bankruptcy, under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before, all claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

4. *Execution of general power.* The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

5. *Property acquired after the Act by a woman married before the Act to be held by her as a feme sole.* Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid.

6. *As to stock, &c., to which a married woman is entitled.* All deposits in any post office or other savings bank, or in any other bank, all annuities granted by the Commissioners for the Reduction of the National Debt or by any other person, and all sums forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Governor and Company of the Bank of England, or of any other bank, which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any other corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial, provident, friendly, benefit, building, or loan society, which at the commencement of this Act are standing in her name, shall be deemed, unless and until the contrary be shown, to be the separate property of such married woman; and the fact that any such deposit,

annuity, sum forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Governor and Company of the Bank of England or of any other bank, share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman, shall be sufficient prima facie evidence that she is beneficially entitled thereto for her separate use, so as to authorise and empower her to receive or transfer the same, and to receive the dividends, interests, and profits thereof, without the concurrence of her husband, and to indemnify the Postmaster General, the Commissioners for the Reduction of the National Debt, the Governor and Company of the Bank of England, the Governor and Company of the Bank of Ireland, and all directors, managers, and trustees of every such bank, corporation, company, public body, or society as aforesaid, in respect thereof.

7. *As to stock, &c., to be transferred, &c., to a married woman.* All sums forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Bank of England or of any other bank, and all such deposits and annuities respectively as are mentioned in the last preceding section, and all shares, stock, debentures, debenture stock, and other interests of or in any such corporation, company, public body, or society as aforesaid, which after the commencement of this Act shall be allotted to or placed, registered, or transferred in or into or made to stand in the sole name of any married woman shall be deemed, unless and until the contrary be shown, to be her separate property, in respect of which so far as any liability may be incident thereto her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not.

Provided always, that nothing in this Act shall require or authorise any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any Act of Parliament, charter, byelaw, articles of association, or deed of settlement regulating such corporation or company.

8. *Investments in joint names of married women and others.* All the provisions herein-before contained as to deposits in any post office or other savings bank, or in any other bank, annuities granted by the Commissioners for the Reduction of the National Debt or by any other person, sums forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Bank of England or of any other bank, shares, stock, debentures, debenture stock, or other interests of or in any such corporation, company, public body, or society as aforesaid respectively, which at the commencement of this Act shall be standing in the sole name of a married woman, or which, after that time, shall be allotted to, or placed, registered, or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid which, at the commencement of this Act, or at any time afterwards, shall be standing in, or shall be allotted to, placed, registered, or transferred to or into, or made to stand in, the name of any married woman jointly with any persons or person other than her husband.

9. *As to stock, &c., standing in the joint names of a married woman and others.* It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such annuity or deposit as aforesaid, or any sum forming part of the public stocks or funds, or of any other stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any such corporation, company, public body, or society as aforesaid, which is now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman and any other person or persons not being her husband.

10. *Fraudulent investments with money of*

*husband.* If any investment in any such deposit or annuity as aforesaid or in any of the public stocks or funds, or in any other stocks or funds transferable as aforesaid, or in any share, stock, debenture, or debenture stock of any corporation, company, or public body, municipal, commercial, or otherwise, or in any share, debenture, benefit, right, or claim whatsoever in, to, or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section seventeen of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained shall give validity as against creditors of the husband, to any gift, by a husband to his wife, of any property, which, after such gift, shall continue to be in the order and disposition or reputed ownership of the husband, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any moneys so deposited or invested may be followed as if this Act had not passed.

11. *Moneys payable under policy of assurance not to form part of estate of the insured.* A married woman may by virtue of the power of making contracts herein-before contained effect a policy upon her own life or the life of her husband for her separate use; and the same and all benefit thereof shall enure accordingly.

A policy of assurance effected by any man on his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or for her children, or of her husband and children, or any of them, shall create a trust in favour of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or be subject to his or her debts: Provided, that if it shall be proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured, they shall be entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid. The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and from time to time appoint a new trustee or new trustees thereof, and may make provision for the appointment of a new trustee or new trustees thereof, and for the investment of the moneys payable under any such policy. In default of any such appointment of a trustee, such policy, immediately on its being effected, shall vest in the insured and his or her legal personal representatives, in trust for the purposes aforesaid. If, at the time of the death of the insured, or at any time afterwards, there shall be no trustee, or if it shall be expedient to appoint a new trustee or new trustees, a trustee or trustees or a new trustee or new trustees may be appointed by any court having jurisdiction under the provisions of the Trustee Act, 1850, or the Acts amending and extending the same. The receipt of a trustee or trustees duly appointed, or, in default of any such appointment, or in default of notice to the insurance office, the receipt of the legal personal representative of the insured shall be a discharge to the office for the sum secured by the policy, or for the value thereof, in whole or in part.

12. *Remedies of married woman for protection and security of separate property.* Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same civil remedies, and also (subject, as regards her husband, to the proviso herein-after contained) the same remedies and redress by way of criminal proceedings, for the protection and security of her own separate property, as if such property belonged to her as a feme sole, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any indictment or other proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall



be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding: Provided always, that no criminal proceeding shall be taken by any wife against her husband by virtue of this Act while they are living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert, his wife.

13. *Wife's ante-nuptial debts and liabilities.*] A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories, under and by virtue of the Acts relating to joint stock companies; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts, or wrongs, and for all damages or costs recovered in respect thereof: Provided always, that nothing in this Act shall operate to increase or diminish the liability of any woman married before the commencement of this Act for any such debt, contract, or wrong, as aforesaid, except as to any separate property to which she may become entitled by virtue of this Act, and to which she would not have been entitled for her separate use under the Acts hereby repealed or otherwise, if this Act had not passed.

14. *Husband to be liable for his wife's debts contracted before marriage to a certain extent.*] A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, including any liabilities to which she may be so subject under the Acts relating to joint stock companies as aforesaid, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him, and any sums for which judgment may have been bona fide recovered against him in any proceeding at law, in respect of any such debts, contracts, or wrongs for or in respect of which his wife was liable before her marriage as aforesaid; but he shall not be liable for the same any further or otherwise; and any court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount, or value of such property: Provided always, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the commencement of this Act for or in respect of any such debt or other liability of his wife as aforesaid.

15. *Suits for ante-nuptial liabilities.*] A husband and wife may be jointly sued in respect of any such debt or other liability (whether for contract or for any wrong) contracted or incurred by the wife before marriage as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be

a separate judgment against the wife as to her separate property only.

16. *Act of wife liable to criminal proceedings.*] A wife doing any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall in like manner be liable to criminal proceedings by her husband.

17. *Questions between husband and wife as to property to be decided in a summary way.*] In any question between husband and wife as to the title to or possession of property, either party, or any such bank, corporation, company, public body, or society as aforesaid in whose books any stocks, funds, or shares of either party are standing, may apply by summons or otherwise in a summary way to any judge of the High Court of Justice in England or in Ireland, according as such property is in England or Ireland, or (at the option of the applicant respectively of the value of the property in dispute) in England, to the judge of the county court of the district, or in Ireland to the chairman of the civil bill court of the division in which either party resides, and the judge of the High Court of Justice or of the county court, or the chairman of the civil bill court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application as he thinks fit, or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit: Provided always, that any order of a judge of the High Court of Justice to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge in a suit pending or on an equitable claim in the said court would be; and any order of a county or civil bill court under the provisions of this section shall be subject to appeal in the same way as any other order made by the same court would be, and all proceedings in a county court or civil bill court under this section in which, by reason of the value of the property in dispute, such court would not have had jurisdiction if this Act or the Married Women's Property Act, 1870, had not passed, at the option of the defendant or respondent to such proceedings, be removed as of right into the High Court of Justice in England or Ireland (as the case may be), by writ of certiorari or otherwise as may be prescribed by any rule of such High Court; but any order made or act done in the course of such proceedings prior to such removal shall be valid, unless order shall be made to the contrary by such High Court: Provided also, that the judge of the High Court of Justice or of the county court, or the chairman of the civil bill court, if either party so requires, may hear any such application in his private room: Provided also, that any such bank, corporation, company, public body, or society as aforesaid, shall, in the matter of any such application for the purposes of costs or otherwise, be treated as a stakeholder only.

18. *Married woman as an executrix or trustee.*] A married woman who is an executrix or administratrix alone or jointly with any other person or persons of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued, and may transfer or join in transferring any such annuity or deposit as aforesaid, or any sum forming part of the public stocks or funds, or of any other stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any such corporation, company, public body, or society in that character, without her husband as if she were a feme sole.

19. *Saving of existing settlements, and the power to make future settlements.*] Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument; but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settle-

ment shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

20. *Married woman to be liable to the parish for the maintenance of her husband.*] Where in England the husband of any woman having separate property becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in petty sessions assembled, upon application of the guardians of the poor, issue a summons against the wife, and make and enforce such order against her for the maintenance of her husband out of such separate property as by the thirty-third section of the Poor Law Amendment Act, 1868, they may now make and enforce against a husband for the maintenance of his wife if she becomes chargeable to any union or parish. Where in Ireland relief is given under the provisions of the Acts relating to the relief of the destitute poor to the husband of any woman having separate property, the cost price of such relief is hereby declared to be a loan from the guardians of the union in which the same shall be given, and shall be recoverable from such woman as if she were a feme sole by the same actions and proceedings as money lent.

21. *Married woman to be liable to the parish for the maintenance of her children.*] A married woman having separate property shall be subject to all such liability for the maintenance of her children and grandchildren as the husband is now by law subject to for the maintenance of her children and grandchildren: Provided always, that nothing in this Act shall relieve her husband from any liability imposed upon him by law to maintain her children or grandchildren.

22. *Repeal of 33 & 34 Vict. c. 93, 37 & 38 Vict. c. 50.*] The Married Women's Property Act, 1870, and the Married Women's Property Act, 1870, Amendment Act, 1874, are hereby repealed: Provided that such repeal shall not affect any act done or right acquired while either of such Acts was in force, or any right or liability of any husband or wife, married before the commencement of this Act, to sue or be sued under the provisions of the said repealed Acts or either of them, for or in respect of any debt, contract, wrong, or other matter or thing whatsoever, for or in respect of which any such right or liability shall have accrued to or against such husband or wife before the commencement of this Act.

23. *Legal representative of married woman.*] For the purposes of this Act the legal personal representative of any married woman shall in respect of her separate estate have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

24. *Interpretation of terms.*] The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devostavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word "property" in this Act includes a thing in action.

25. *Commencement of Act.*] The date of the commencement of this Act shall be the first of January one thousand eight hundred and eighty-three.

26. *Extent of Act.*] This Act shall not extend to Scotland.

27. *Short title.*] This Act may be cited as the Married Women's Property Act, 1882.

## CAP. LXXVI.

An Act to amend the Merchant Shipping Acts, 1854 to 1880, with respect to Colonial Courts of Inquiry. [18th August 1882.]

## CAP. LXXVII.

An Act to amend the Law of Citation in Scotland. [18th August 1882.]

## CAP. LXXVIII.

An Act to establish a Fishery Board for Scotland. [18th August 1882.]

**CAP. LXXXIX.**

An Act to make provision for the arrangement of Accounts between the Commissioners of Her Majesty's Treasury and the Secretary of State in Council of India in respect of certain Home Charges for Her Majesty's Forces serving in India.  
[18th August 1882.]

**CAP. LXXX.**

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[18th August 1882.]

**CAP. LXXXI.**

An Act for disannexing the Rectory of Somersham from the Office of Regius Professor of Divinity in the University of Cambridge, and for making better provision for the Cure of Souls within the said Rectory; and for other purposes.  
[18th August 1882.]

**CAP. LXXXII.**

An Act for amending the Lunacy Regulation Acts.  
[18th August 1882.]

Whereas it is expedient to amend the Lunacy Regulation Acts:

Be it enacted, &c.:

1. *Short title of Act.* This Act may be cited for all purposes as the Lunacy Regulation Amendment Act, 1882.

2. *Construction of Act.* This Act shall be construed as one with the Lunacy Regulation Acts, 1853 and 1862, and unless there is something in the subject matter or context repugnant to such construction, the expression "The Lord Chancellor intrusted as aforesaid," and all other expressions having a special or defined meaning in the last-mentioned Acts, or either of them, shall have the same meaning in this Act.

3. *Power of Lord Chancellor where property of lunatic does not exceed £2,000, or £100 per annum.* Section twelve of the Lunacy Regulation Act, 1862, is hereby amended so as to have effect as if the words "two thousand pounds in value" had been inserted therein instead of the words "one thousand pounds

in value," and the words "one hundred pounds per annum" instead of "fifty pounds per annum."

4. *All Chancery lunatics to be visited twice a year.* Whereas by section twenty of the Lunacy Regulation Act, 1862, it is enacted that "every lunatic shall be personally visited and seen by one of the said visitors four times at least in every year, and such visits shall be so regulated as that the interval between consecutive visits to any such lunatic shall in no case exceed four months: Provided always, that lunatics who are resident in licensed houses, asylums, or registered hospitals shall not necessarily be visited by any of the said visitors more than once in the year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct": Be it enacted, that the said section shall be construed as if the word "twice" had been inserted therein instead of the words "four times," and as if the words "eight months" had been inserted therein instead of the words "four months," and as if instead of the proviso therein there had been inserted the following words: Provided always, that every lunatic resident in a private house shall, during the two years next following inquiry, be so visited at least four times in every year.



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